A Collection

App. F. IX-4

Previous References 1935 (Aug

File No. 63-35

Serial Nos. 1

Later References

General and Revenue Secretariat.

Serial Nos. one

Proceedings Manuscript

~~Part B~~ for January 1936

SUBJECT

Amendment of Mines Factories Regulations

Govt 1498 21-1-36

orders on publication ... Mysore Labour ... consolidate and amend the laws regulating labour in factories as right I of 1936

M Iyengar
7/9/36

Legislation in Indian States on the lines of the Factory Act of 1934

2562

General and Revenue Secretariat | File No. 121 of 1934 | [App. F. III—

Serial No. 1

From the Secy to the Resident's letter No F 1109-34/R.O.2 dt 24/11/34

States that the Factories Act 1934 (Act XXV of 34) will come into force in British India on 1.7.35 invites his Govt's consideration the desirability of amending & consolidating the existing Law in this State on the lines of the Act

The question of amending the Factory Act here on the lines of the legislation introduced in British India is under consideration

(A) (2) If approved a copy of this letter may be sent to the Resident & he may be requested to send a detailed note on the Factories on the lines of the legislation now enacted in British India

(3) It is stated that copies of the Act (XXV of 1934) can be had of the Manager of Publications both Language. If approved, 6 copies may be obtained for use

(B) yes

(4) Yes

(5) Yes

Laid before orders

27/11

NOTE—Contn. Sheet.

WD 01955—GPB—22,500—12-6-34

995/28"/34

(A): may perhaps be necessary. 6 copies of the Act

(B): Dev. Secy

~~Yet~~

6/ There perhaps a draft reply to the R. saying that the Amendment to Factories Act is under consideration but the interests appeal and the enquiry and the necessary formal provision of securing it lays the R.A.L.A. undertaken. This it is a matter will take some time but action will be taken as early as possible

DEVELOPMENT SECRETARY 3040 29. NOV. 1934

MW 28.11.34

28/11

a/p up as at para 6 Sub), for appr

OFFICE OF THE FIRST MEMBER OF COUNCIL 3 DEC 1934 No. 4351

Rev Secy) 29/11

Further Note

MW 30.11

30/

(8) approved as amended (we shall have the matter before the PC in 1935)

TYPING SECTION 30. NOV. 1934

TYPING SECTION 4. DEC. 1934 GENL. & REV. SECTT.

3/12

MW 3.12

1) Issue (over the Secy's sig.)

Issued [illegible]

matter to be noted subject for the next Bd meeting

Serial No.

(1) To the Library to kindly take necessary action to get 6 copies of the Regulations (Reference para 3 above) and to return the papers by 11/12/34

Submitted to Registrar
11/12/34 KP 11-12-34 Lib 12/11/34

(2) action taken and the file returned
13/12

Dep Reg (Gen)

(3) A Bill on the lines of the Indian Finance Act has been drafted & it has been scrutinised by the First Member. A statement of general principles for being placed before the R.A has also been prepared under the instructions of the First Member. A revised draft as approved by him is put up.

If approved the statement will be placed before the R.A in the ensuing Session & the Bill will be published under Rule 8 for being moved in the L.C in June next

For Disposal by Circulation. **No. C.** 322

1934-5

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

Subject

Bill to consolidate and amend the law relating to labour in Factories.

16) *Circulated to the Members of Council.*

By Order,

27th May 1935.

Offg. *Cheif Secretary to Government.*

First Member of Council. (Seen)

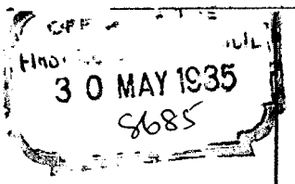
Second Member of Council. 29/5

17) For favour of Final Note.

FIRST MEMBER.) 30.5.35

General and Revenue Secretariat.

File No. of 193



D. F. M. Balsara

1st Member)

7 M. Signed by Member.

CLB
31/5/35

S. M. put up.

Dewan.)

31-5-35

Statement
of Notes on clauses
also put up to
go along with the Bill
This may be kindly
perused
CE 30/5/35

Bdn statement of General Principles
& Br Rubber Bill in this case please
ass... lement

6/6/35

A proof copy of the Bill together
statement of objects and reasons has been
taken and sent to the Compiler, Imperial
Gazette for publication under Rule 8 (B.6)

Prot: Br: with Compts)

6/6/35

This may kindly be sent to CB
for circulation to Members of Com
(vide circulation sheet below)

Bom
6/6

Final Note by the First Member of Council.

Subject:—

Amendment of the Mysore Factories Regulation on the lines of the Indian Factories Act, XXV of 1934.

The Mysore Factories Regulation was passed in 1914 and amended in 1925 on the lines of the legislation in British India. Since then the Indian Act has been amended in 1925, 1926 and 193[illegible] and the question of suitably amending our Regulation on the line[illegible] of the Indian Act has been under consideration. When the Royal Commission on Labour was appointed in 1929, it was thought desirable to await its recommendations before taking up the questi[illegible] of amending the law on the subject in Mysore. The Royal Commiss[illegible] made a number of recommendations for the amendment of the Indian Factories Act and these were published with its Report in July 1931. After examining these in detail the Government of India i[illegible] troduced a Bill in the Indian Legislature which was passed into Law as the Indian Factories Act, XXV of 1934. This new Act came into force from 1st January 1935 in British India. Nearly all more important alterations in the Indian Act are based on the re[illegible] commendations of the Royal Commission. The law on the subject ha[illegible] been rearranged and the expression is revised wherever necessary.

The Residency has invited the Government to consider the desirability of amending and consolidating the existing law regar[illegible] ing factories in Mysore on the lines of the Indian Act of 1934. (Vide Residency letter No.F.1109-34/R.O.I. dated the 24th Novembe[illegible] 1934).

The Board of Industries and Commerce who were consulted in the matter are of the opinion that the law regulating labour factories in Mysore may be brought into conformity with the law on the subject in British India as recently enacted. A draft Bi[illegible] has therefore been prepared with a statement of objects and reasons on the lines of the Indian Act for being introduced into th[illegible] Legislative Council at its next Session in June 1935. The sta[illegible]

statement of general principles intended for being placed befor the Representative Assembly indicates the main lines of legislation proposed.

The Bill has the approval of the Dewan and the Second Member of Council. I solicit the gracious permission of His Highness to place the statement of general principles before the Representative Assembly and the Bill in due course before the Legislative Council.

Bangalore,
31st May 1935.

MEMBER OF COUNCIL.

Submitted to His Highness.

---

(96) I submit herewith a Final Note by the First Member of Council regarding the amendment of the Mysore Factories Regulation on the lines of the Indian Factories Act, XXV of 1934, for His Highness' gracious approval.

Mirza M. Ismail

Dewan.

31-5-35.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Bill to amend the My Regulation.

610

Order.

~~KRM~~

31/6/35

General and Revenue
Secretariat

SUBJECT:- Bill to amend the Mysore Factories Regulation.

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Head-quarters and then sent to the Secretariat concerned for the issue of orders.

21 Circulated to Members of Council for perusal of His Highness' orders ~~before~~/after issue of orders. (*Vide* * Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

K. Chandrasekhara Aiyar 6.6.35
for Chief Secretary to Government.

Through the Secretary to Government,

24) Hon'ble Minister in charge of the subject. MW. 6.6.

.....Dev.....Department.

8829/716

FIRST MEMBER OF COUNCIL. by 7/6

7784/716

SECOND MEMBER OF COUNCIL.

Sry

Dev. Secy work-C. Dept.

1:3

7.6

1076 8.6.

Bill to amend the Factories Reg

General and Revenue Secretariat.

File No. 9,502 of 193 [App. F. III-2

22) The Statement of General Principles of the Bill has been sent to R. A. Spain

Bill and the Statement of General Principles has furnished under Rule 8 - the Rules of business in -

The following ... are now suggested being included in the ... for the meeting of the Executive Council

(1) Motion to read the ... read in Council

(2) Motion to ... be referred to a Select Committee.

Hon. the Chief Secretary recommends the Draft

Secretary
(for Member)

11/6/35

So ordered

Noted and put to the Prot. A. B.

NOTE—Contn. Sheet.

14/6/35

13 Bill to amend the Factories Reg[n]

File No. of 19[3] General and Reven
Secretariat

26) The Statement of General Principles was adopted by the Representative Assembly

From 16/6 27) The Assembly is adjourned

1st Member) 11/07/35

28) The Bill was read in connection at the Meeting held on 2.7.35 and referred to a Select Committee (Child Welfare personnel) Sealed for orders re the date of meeting

From 8/7 29) We may have a meeting about the end of July or beginning of August. The members will be informed that it will be from day to day till the Bill is finished.

1st Member) 8/7

30) I Mtg on 29-7-35 I minutes adj by

Sealed. Civil draft 9/7 G. of notice is issue 9/7

Sa 1-1-/-/

OFFICE OF THE PRESIDENT LEGISLATIVE COUNCIL 9 JULY 1935 No. 223

TYPING SECTION GENERAL 12 JUL 1935

Case No P 293-302 of 13.7
Instructions that a meeting of the S.C to consider the Case, would be held on Monday the 29th July 1935.
70

33) The D.C Officer Mr. ... proceeding up a copy of the proceedings pertaining to the case returned

Done 15/7

34) 29th July happens to be Monday, & there will be morning office. If approved, the date fixed meeting will be changed to 30th July
(for Member)

35) Be 15) 7

OFFICE OF THE ... 16 JULY 1935 482

Revised notice issued

Done 16/7

Issued No P 375-85 of 17.7.35

Date 2
30.7.35
1.P.M

File No. of 193

38) At the meetings of the S.C held on the 30th & 31st July 193 the Bill was considered & the Report adopted all the members except Mr Sinclair were present & approved the file may be sent to D.A & L.C Office for preparation of the Report-under S.O. 49

Dom 4/8/35 39) 1187 Bill

40) Three typed copies of the Report may, as usual, be kindly put for further necessary action being taken.

(Prot. B. ci. A emplts)

8/8/35 Dom

41) Revised Typed copies are put up

Dom 5/8/35

to the D.A & L.C Coll

42) Three copies taken and the file put.

(Prot. B.)

5/8/35 Dom

43) Printed Copies of S.C. Report are placed on file for perusal. Motions for Concurrence the S.C. Report & Bill as amended may be

The system networks Vol II

General and Revenue Secretariat.	File No. hps 63 of 193 5	[App. F. III-2

proposed labor on

Bmc
23/10

441) C2 30/10

File No. of 193 General and Revenue cretariat

Serial No.

45) Subsequent to the introduction of the Bill in the Legis el in Lyppore in June 1935, an amendment to section 43 of the Indian Factories Act, 1934, on which the Bill in Lyppore is base was introduced in Septl 1935. The Bill is at Flag J to-gether with the Statement of Objects & Reasons explaining the scope of the amendment. The Govt of India Bill has now been passed into Law Vide Act XI of 1935 Flag J. & 43 of Our Bill follows the wording of section 43 of the Govt of India Act 1934.

Since our Bill is to come up at the ensuing session of the L.C for consideration along with the Report of S.C to which it had been referred, the desirability of adopting the change introduced in the Govt of India, may be considered. If considered desirable it may be introduced

vide also Legislative Assembly debate Vol V No 1 of 2.9.35

Law Convention Branch 34/W.

WD 03594—GPB—30,000—13-7-35

at ~~Simla~~ ~~on~~ ~~the~~ ~~Govt~~ amendments the object explaining the Legislative Council Govt orders with reference

10.—

(d) After our Govt announce reports on ~~the~~ Factories Bill the Govt of India have amended Sec 40 (1) of the Indian Factories Act in September last under the Act of 1934 which our Bill follows. The Govt may under Sec 43(1) by rule exempt women managers or supervisors or women employed in confidential capacities from ~~the~~ provisions ~~regulating~~ the right to ~~the~~ exemption from the provisions of Sec 45(1) in accordance with the Convention of the International Labour Conference of 1934 which has been accepted by the Govt of India. They decided to amend the Factories Act so as to prevent all women (including women visitors) workers from working in factories between the hours of 7 P.M. & 6 A.M. The result of the amendment is that the power of the Govt to exempt from the provision

The Mysore Factories Regulation. 21

2653
Pro.

General and Revenue Secretariat | File No. 63 of 1935. | [App. F. III—2

Serial No.

to me by the Supdt. Prdtn Br on 2/1/36
V/3/1/36

Subd.

The report of the Select Committee together with the Bill as amended by them was considered in the Legislative Council at its meeting held on 16.12.1935. The Amendment to Clause 43 of the Bill was proposed by Govt. and was agreed to by the Council The Bill as Amended was finally passed

D.F.N is put up.

V/3/1/36

2nd Member) CC 3/1/36

C.E.G. F.N. Signed by Members. 7/1/36

Submitted with S.N.

Dewan) 8/1/36

DEWAN'S OFFICE
8 JAN. 1936
No. 4357

OFFICE OF THE SECOND SECRETARY OF COUNCIL.
8 JAN. 1936
No. 5142

NOTE.—Contn. Sheet.

WD 03594—GPB—30,000—18-7-35

Final Note by the Second Member of Council. 22

Subject.—

The Mysore Factories Regulation.

With the gracious approval of His Highness, the general principles of a bill to consolidate and amend the law regulating labour in factories in Mysore on the lines of the Indian Factories act, XXV of 1934, was placed before the Representative Assembly in June last and were approved by that body. The bill was, after previous publication, introduced in the Legislative Council at its session in June last and was referred to a Select Committee. Subsequently, in September 1935, the Government of India amended Section 43 of the Factories Act so as to prevent all women workers (including managers, etc.) from working in factories between the hours of 7 P.M. and 6 A.M.

The Report of the Select Committee together with the bill as amended by them was considered by the Legislative Council at its meeting held on the 16th December 1935. Clause 43 of the bill was proposed by Government to be modified in accordance with the change made in British India in September 1935 and it was agreed to by the Council The bill as amended was finally passed.

I solicit the gracious sanction of His Highness to promulgate the bill as law. The Regulation will come into force on the 1st of April 1936.

M. A. Rama Rau

MEMBER OF COUNCIL.

Camp Mysore,
6th January 1936.

Submitted to His Highness.

I submit herewith a Final Note by the Second
Member of Council on the subject of promulgation
into law of the Bill to amend the Mysore Factories
Regulation
for His Highness' gracious ~~*approval*~~ sanction.

Mirza M. Ismail
Dewan.

Bangalore,
9th January 1936.

Record of Cases submitted for the Orders of His Highness the Maharaja.

21,

Subject.

Bill to amend the Mysore Factories Regulation.

(Secy
MS
12-1-36

Order.

~~KRW~~
11/1/36

General and Revenue
Secretariat

SUBJECT:- Bill to amend the Mysore Factories Regulation.

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Head-quarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness' orders before/~~after~~ issue of orders. (*) (*Vide Rules* 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Government.

Through the Secretary to Government,

Dev. Department.
16.1.36

4944
16.1.

FIRST MEMBER OF COUNCIL.

16/1

5435
16/1/36.

SECOND MEMBER OF COUNCIL.

Prof.

17-1-36

NOTE.—Contn. sheet.

General and Revenue Secretariat.

Legislative File No. 63 of 1935

Publication of Ordinance ?.

Ans
4/7/11/38

G.O. No 4749 of 21/1 directing publication Regn. I of 19

Provide two copies. Sent to Govt.

NOTE—Contn. Sheet.

A Regulation to consolidate and amend the law regulating labour in factories.

---

approved

WHEREAS it is expedient to consolidate an amend the law regulating labour in factories; It is hereby enacted as follows:-

CHAPTER I.

Preliminary.

hort title, extent nd commencement.

1. (1) This Regulation may be called the Mysore Factories Regulation 193~~5~~.

(2) It extends to the whole of Mysore.

(3) It shall come into force on the 1st day of ..... ~~1935~~ 193--

efinitions.

2. In this Regulation, unless there is anything repugnant in the subject or context,

(a) "adolescent" means a person who has completed his "fifteenth but has not completed his seventeenth year;

(b) "adult" means a person who has completed his seventeenth year;

(c) "child" means a person who has not completed his fifteenth year;

(d) "day" means a period of twenty-four hours beginning at midnight;

(e) "week" means a period of seven days beginning at midnight on Saturday night;

(f) "Power" means electrical energy, and any other form of energy which is mechanically transmitted and is not generated by human or animal agency

(g) "manufacturing process" means process -

(i) for making, altering, repairing, ornamenting, finishing or packing, or otherwise treating any article or substance with a view to its use, sale, transport, delivery or disposal, or

(ii) for pumping oil, water or sewage, or

(iii) for generating, transforming or transmitting power;

(h) "worker" means a person employed, whether for wages or not, in any manufacturing process, or in cleaning any part of the machinery or premises used for a manufacturing process, or in any other kind of work whatsoever incidental to or connected with the manufacturing process or connected with the subject of the manufacturing process, but does not include any person solely employed in a clerical capacity in any room or place where no manufacturing process is being carried on;

(j) "factory" means any premises including the precincts thereof whereon twenty or more workers are working, or were working on any day of the preceding twelve months and in any part of which a manufacturing process is being carried on with the aid of power, or is

ordinarily so carried on,

but does not include a mine subject to the operation of the Mysore Mines Regulation

of 1906 1906

(k) "machinery" includes all plant whereby power is generated, transformed, transmitted or applied;

(l) "occupier" of a factory means the person who has ultimate control over the affairs of the factory;

Provided that where the affairs of a factory are entrusted to a managing agent, such agent shall be deemed to be the occupier of the factory;

(m) where work of the same kind is carried out by two or more sets of workers working during different periods of the day, each of such sets is called a "relay", and the period or periods for which it works is called a "shift" and

(n) "prescribed" means prescribed by rules made by the Government under this Regulation.

Reference to time of day.

3. References to time of day in this Regulation are references to Indian Standard time which is five and a half hours ahead of Greenwich Mean Time.

Seasonal Factories.

4. (1) For the purposes of this Regulation, a factory which is exclusively engaged in one or more of the following manufacturing processes, namely, cotton ginning, cotton ~~or~~ ~~jute~~ pressing, the decortication of ground

nuts, the manufacture of coffee, ~~indigo,~~ lac, rubber, sugar (including gur) or tea, or any manufacturing process which is incidental to or connected with any of the aforesaid processes, is a seasonal factory:

Provided that the Government may, by notification in the official Gazette, declare any such factory in which manufacturing processes are ordinarily carried on for more than one hundred and eighty working days in the year, not to be a seasonal factory for the purposes of this Regulation.

(2) The Government may, by notification in the official Gazette, declare any specified factory in which manufacturing processes are ordinarily carried on for not more than one hundred and eighty working days in the year and cannot be carried on except during particular seasons or at times dependent on the irregular action of natural forces, to be a seasonal factory for the purposes of this Regulation.

Power to declare premises to be factories.

5. (1) Notwithstanding anything contained in clause (j) of section2, the Government may, by notification in the official Gazette declare any premises whereon or within the precincts whereof a manufacturing process is carried on, whether with or without the aid of power, and whereon or within the precincts whereof, on any one day of the twelve months preceding the notification, ten or more workers were employed, to be a factory for all or any of the purposes of

this Regulation.

(2) A notification under sub-section (1) may be made in respect of any specified premises or class of premises.

'3) A notification under suo-section (1) shall cease to have effect in respect of any premises after the lapse of twelve months during wnich not more than nine workers were employed thereon on any day.

departments to be separate factories.

6. The Government may, by order in writing, direct that the different departments or branches of a specified factory shall be treated as separate factories for all or any of the purposes of this Regulation.

Power to exempt on a change in the -- factory.

7. Where the Government is satisfied that, following upon a change of occupier f a factory or in the manufacturing processes carried on therein, the number of orkers for the time being working in the actory is less than twenty and is not likely to be twenty or more on any day during the ensuing twelve months, it may, by order in writing, exempt such factory from the operation of this Regulation.

Provided that any exemption so granted shall cease to have effect on and after any day on which twenty or more workers work in the factory.

Power to exempt during public emergency.

3. In any case of public emergency th Government may, by notification in the Off

Gazette exempt any factory from any or all o the provisions of this Regulation for such periods as it may think fit

Notice to Inspector before commencement of work.

9. (1) Before work is begun in any factory after the commencement of this Regulation, or before work is begun in any seasona factory each season, the occupier shall send to the Inspector a written notice containing

(a) the name of the factory and its situation,

(b) the address to which communications relating to the factory should be sent,

(c) the nature of the manufacturing processes to be carried on in the factory,

(d) the nature and amount of the power to be used, and

(e) the name of the person who shall be the manager of the factory for the purposes of this Regulation.

(2) Whenever another person is appointed as manager, the occupier shall send to th Inspector a written notice of the change, within seven days from the date on which the new manager assumes charge.

(3) During any period for which no person has been designated as manager of a factory under this section, or during which the person designated does not manage the factory, any person found acting as manager,

or, if no such person is found, the occupier himself, shall be deemed to be the manager of the factory for the purposes of this Regulation

---

CHAPTER II.

The Inspecting Staff.

10. (1) The Government may, by notification in the official Gazette, appoint such persons as it thinks fit to be Inspectors for the purposes of this Regulation within such local limits as it may assign to them respectively.

(2) The Government may, by notification as aforesaid, appoint any person to be a Chief Inspector, who shall, in addition to the powers conferred on a Chief Inspector under this Regulation, exercise the powers of an Inspector throughout the State.

(3) No person shall be appointed to be an Inspector under sub-section (1) or a Chief Inspector under sub-section (2) or, having been so appointed, shall continue to hold office, who is or becomes directly or indirectly interested in a factory or in any process or business carried on therein or in any patent or machinery connected therewith.

(4) Every District Magistrate shall be an Inspector for his district.

(5) The Government may also, by notification as aforesaid, appoint such public officers as it thinks fit to be additional Inspectors for all or any of the purposes of this Regulation, within such local limits as it may assign to them respectively.

(6) In any area where there are more Inspectors than one, the Government may, by notification as aforesaid, declare the powers which such Inspectors shall respectively exercise, and

the Inspector to whom the prescribed notices are to be sent.

(7) Every Chief Inspector and Inspector sha be deemed to be a public servant within the meaning of the Indian Penal Code as in force in [illegible] shall be officially subordinate to such authority as the Government may specify in this behalf.

Powers of Inspector.

11. Subject to any rules made by the Government in this behalf, an Inspector may, within the local limits for which he is appointed,-

(a) enter, with such assistants (if any), being persons in the employment of Governmen or of any municipal or other public authorit as he thinks fit, any place which is, or which he has reason to believe to be, used as a factory or capable of being declared to be a factory under the provisions of section 5;

(b) make such examination of the premises a plant and of any prescribed registers and ta on the spot or otherwise such evidence of an persons as he may deem necessary for carryin out the purposes of this Regulation; and

(c) exercise such other powers as may be necessary for carrying out the purposes of this Regulation:

Provided that no one shall be required un this section to answer any question or give any evidence tending to criminate himself.

Certifying surgeons

12 (1) The Government may appoint such regi tered medical pract tioners as it thinks fit to be certifying s geons for the purposes of this Regulation

within such local limits as it may assign to them respectively.

(2) A certifying surgeon may authorise any registered medical practitioner to exercise any of ~~this~~ his powers under this Regulation:

Provided that a certificate of fitness for employment granted by such authorised practitioner shall be valid for a period of three months only, unless it is ~~confirm~~ confirmed by the certifying surgeon himself after examination of the person concerned.

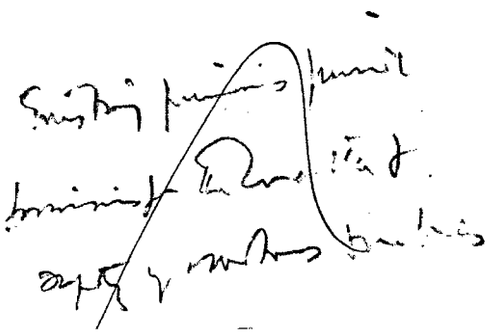
Explanation.- In this section a "registered medical practitioner" means any person registered under the Mysore Medical Registration Regulation of 1931

CHAPTER III.

Health and Safety.

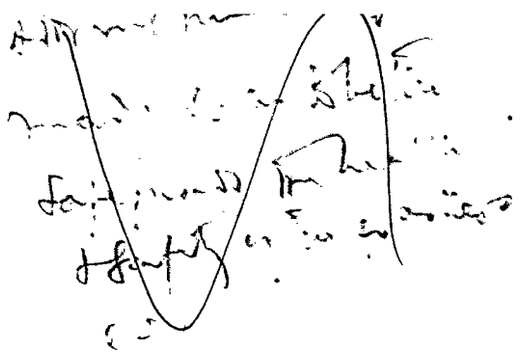
13. Every factory shall be kept clean and free from effuvia arising from any drain privy or other nuisance, and shall be cleansed at such times and by such methods as may be prescribed and these methods may include lime-washing or colour-washing, painting, varnishing, disinfecting and deodorising.

(Cleanliness.)



14. (1) Every factory shall be ventilated in accordance with such standards and by such methods as may be prescribed.

(Ventilation.)



(2) Where gas, dust or other impurity is

generated in the course of work, adequate measures shall be taken to prevent injury to the health of workers.

(3) If it appears to the Inspector that in any factory gas, dust or other impurity generated in the course of work is being inhaled by the workers to an injurious extend, and that such generation or inhalation could be prevented by the use of mechanical or other devices, he may serve on the manager of the factory an order in writing, directing that mechanical or other devices for preventing such generation or inhalation shall be provided before a specified date, and shall thereafter be maintained in good order and used throughout working hours.

(4) The Government may make rules for any class of factories requiring mechanical or other devices to be provided and maintained for preventing the generation or inhalation of gas, dust or other impurities, which may be injurisou to workers and specifying the nature of such devices.

15. (1) The Government may make -- (Artificial humidification.) rules-

(a) prescribing standards for the cooling properties of the air in factories in which the humidity of the air is artificially increased;

(b) regulating the methods used for artificially increasing the humidity of the air and

(c) directing prescribed tests for deter

determining the humidity and cooling properties of the air to be carried out and recorded.

(2) In any factory in which the humidity of the air is artificially increased, the water used for the purpose shall be taken from a public supply or other source of drinking water, or shall be effectively purified before it is so used.

(3) If it appears to the Inspector that the water used in a factory for increasing humidity which is required to be effectively purified under sub-section (2) is not effectively purified, he may serve on the manager of the factory an order in writing, specifying the measures which in his opinion should be adopted, and requiring them to be carried out before a specified date.

16. If it appears to the Chief Inspector or to an Inspector specially authorised in this Cooling. behalf by the Government that that the cooling properties of the air in any factory are at times insufficient to secure workers against injury to health or against serious discomfort, and that they can be to a great extent increased by measures which will not involve an amount of expense which is unreasonable in the circumstances, the Chief Inspector may serve on the manager of the factory an order in writing, specifying the measures which in his opinion should be adopted and requiring them to be carried out before a specified date.

17. In order that no room in a factory
Overcrowding) shall be crowded during working hours to a dangerous extent or to an extent which may be injurious to the health of the workers, the proportion whi the number of cubic feet of ~~its~~ ~~floor~~ spa in a room and the number of superficial feet of its floor area bears to the number of workers working at any time therein shal not be less than such standards as may be prescribed either generally or for the particular class of work carried on in the room.

18. (1) A factory shall be sufficiently
Lighting.) lighted during all working hours.

(2) If it appears to the Inspector that any factory is not sufficiently lighted, he may serve on the manager of the factory an order in writing, specifying the measures which in his opinion should be adopted, and requiring them to be carried out before a specified date.

(3) The Government may make rules requiring that all factories of specified classes shall be lighted in accordance with prescribed standards.

19.(1) In every factory a sufficient supply of water fit for drinking shall be -
Water.) provided for the workers at suitable places.

(2) The supply required by sub-section (1) shall comply with such standards as may be prescribed.

(3) In every factory in which any process involving contact by the workers with injurious or obnoxious substances is carried on, a sufficient supply of water suitable for washing shall be provided for the use of workers, at suitable places and with facilities for its use, according to such standards as may be prescribed.

Latrines and urinals.

20. For every factory sufficient latrine and urinals, according to the prescribed standards shall be provided, for male workers and for female workers separately, of suitable patterns and at convenient places as prescribed, and shall be kept in a clean and sanitary condition during all working hours.

Doors to open outwards.

21. In every factory the doors of each room in which more than twenty persons are employed shall, except in the case of sliding doors, be constructed so as to open outwards, or, where the door is between two rooms, in the direction of the nearest exit from the building, and no such door shall be locked or obstructed while any work is being carried on in the room.

Precautions against fire.

22. In every factory such precautions against fire shall be taken as may be prescribed.

Means of escape.

23. (1) Every factory shall be provided with such means of escape in case of fire as can reasonably be required in the circumstances of each factory.

(2) If it appears to the Inspector that any factory is not so provided, he may serve on the manager of the factory an order in writing, specifying the measures which in his opinion should be adopted, and requiring them to be carried out before a specified date.

(3) The means of escape shall not be obstructed while any work is being carried on in the factory.

24. (1) In every factory the following shall be kept adequately fenced, namely:- (Fencing)

(a) every exposed moving part of a prime mover and every flywheel directly connected to a prime mover,

(b) every hoist or lift, hoist-well or lift well and every trap-door or similar opening near which any person may have to work or pass, and

(c) every part of the machinery which the Government may prescribe. to be kept fenced

(2) If it appears to the Inspector that any other part of the machinery in a factory is dangerous if not adequately fenced, he may serve on the manager of the factory an order in writing, specifying the measures which in his opinion should be adopted, and requiring them to be carried out before a specified date.

(3) All fencing required by or under this section or under sub-section (1) of section 26 shall be maintained in an efficient state at all times when the workers have

access to the parts required to be fenced except where they are under repair or are under examination in connection with repair or are necessarily exposed for the purpose of cleaning or lubricating or altering the gearing or arrangements of the machinery

(4) Such further provisions as may be prescribed shall be made for the protection from danger of persons employed in attending to the machinery in a factory.

Power to require specifications of defective parts or tests of stability.

25. If it appears to the Inspector that any building or part of a building, or any part of the way, machinery or plant in a factory is in such a condition that it may be dangerous to human life or safety, he may serve on the manager of the factory an order in writing requiring him before a specified date-

(a) to furnish such drawings, specifications and other particulars as may be necessary to determine whether such building, way, machinery or plant can be used with safety, or

(b) to carry out such tests as may be necessary to determine the strength or quality of any specified parts and to inform the inspector of the results thereof.

Safety of buildings and machinery.

26. (1) If it appears to the inspector that any building or part of a building or any part of the ways, machinery or plant in a factory is in such a condition that it is dangerous to human life or safety, he may serve on the manager of the factory an order in writing specifying the measures which in his opinion should be adopted, and requiring them to be carried out before a specified date.

(2) If it appears to the inspector that the use of any building or part of a building or of any part of the ways, machinery or plant in a factory involves imminent danger to human life or safety, he may serve on the manager of the factory an order in writing prohibiting its use until it has been properly repaired or altered.

Restrictions on work near machinery in motion.

27. (1) No woman or child shall be allowed to clean or oil any part of the machinery of a factory while that part is in motion under power, or to work between moving parts

or between fixed and moving parts of any machinery which is in motion under power.

(2) The Government may, by notification in the official Gazette, prohibit, in any specified factory or class of factories, the cleaning or oiling by any person of specified parts of machinery when these parts are in motion under power.

Power to exc children.

28 (1) The Government may make rules prohibiting the admission to any specified class of factories, or to specified parts thereof, of children who cannot be lawfully employed therein.

(2) If it appears to the inspector that the presence in any factory or part of a factory of children who cannot be lawfully employed therein may be dangerous to them or injurious to their health, he may serve on the manager of the factory an order in writing directing him to prevent the admission of such children to the factory or any part of it.

Prohibition of employment of women and children near cotton-openers.

29. No woman or child shall be employed in any part of a factory for pressing cotton in which a cotton-opener is at work.

Provided that, if the feed-end

of a cotton-opener is in a room separated from the delivery end by a partition extending to the roof, or to such height as the Inspector may in any particular case specify in writing, women and children may be employed on the side of the partition where the feed-end is situated.

Notice of certain accidents.

30. Where in any factory an accident occurs which causes death, or which causes any bodily injury whereby any person injured is prevented from resuming his work in the factory during the forty-eight hours after the accident occurred, or which is of any nature which may be prescribed in this behalf, the manager of the factory shall send notice thereof to such authorities, and in such form and within such time, as may be prescribed.

31. (1) The manager of a factory on whom an order in writing by an Inspector has been served under the provisions of this Chapter, or the occupier of the factory, may, within thirty days of the service of the order, appeal against it to the Government, or to such authority as the Government may appoint in this behalf; and the Government or appointed authority may, subject to rules made in this behalf by the Government, confirm, modify or

or reverse the order.

(2) The appellate authority may and if so required in the petitio or appeal shall, hear the appeal with the aid of assessors, one of whom shall be appointed by the appellate authority and the other by such body representing the indus try concerned as the Government may prescribed in this behalf ;

Provided that if no assessor is appointed by such body, or if the assessor so appointed fails to atte at the time and place fixed for hearing the appeal, the appellate authority may, unless satisfied that the failure to attend is due to sufficient cause, proceed to hear the appeal without the aid of such assessor, or, if it thinks fit, without the aid of any assessor.

(3) In the case of an appeal against an order under section 1 the appellate authority shall, and in any other case except an appeal against an order under sub-section (2) of section 26 or sub-section (2) of section 28 the appellate authority may, suspend the order appealed against pending the decision of the appeal, subject however to such conditions as to partial compliance or the adoption of temporary - measures as it may choose to

to impose in any case.

Power of Government to make rules to supplement this Chapter.

32. The Government may make rules-

(a) providing for any matter which according to any of the provisions of this Chapter, is or may be prescribed ;

(b) requiring the managers of factories to maintain stores of first-aid appliances and provide for their proper custody ;

(c) providing against danger arising from the use of mechanical transport in factories, other than railways subject to the Mysore Railways Regulation, 1894 IV of 1894

(d) prescribing the manner of the service of orders under this chapter on managers of factories;

(e) regulating the procedure to be followed in presenting and hearing appeals under section 31, and the appointment and remuneration of assessors;

(f) regulating the exercise by Inspectors of their powers under this Chapter ; and

(g) providing for any other matter which may be expedient in order to give effect to the provisions of this Chapter.

Additional power to make health and safety rules relating to -

33 (1) The Government may make rules requiring that in any specified factory, wherein more than one hundred and fifty workers are

shelters during rest,- are ordinarily employed, an adequate shelter shall be provided for the use of workers during periods of rest, and such rules may prescribe the standards of such shelters.

rooms for children,- (2) The Government may ~~xxx~~ also make rules -

(a) requiring that in any specified factory, wherein more than fifty women workers are ordinarily employed, a suitable room shall be reserved for the use of children under the age of six years belonging to such women, and

(b) prescribing the standards for such rooms and the nature of the superv ;o be exercised over the children therein.

certificates of stability,- (3) The Government may also make rules, for any class of factories and for the whole or any part of the State, requiring that work on a manufacturing process carried on with the aid of power shall not be begun in any building or part of a building erected or taken into use as a factory after the commencement of this Regulation until a certificate of stability in the prescribed form, signed by a perso possessing the prescribed qualifications, has been sent to the Inspector.

hazardous operations. (d) Where the Government is

is satisfied that any operation in a factory exposes any persons employed upon it to a serious risk of bodily injury, poisoning or disease, it may make rules applicable to any factory or class of factories in which the operation is carried on -

(a) specifying the operation and declaring it to be hazardous,

(b) prohibiting or restricting the employment of women, adolescents or children upon the operation,

(c) providing for the medical examination of persons employed or seeking to be employed upon the operation and prohibiting the employment of persons not certified as fit for such employment, and

providing for the protection of all persons employed upon the operation or in the vicinity of the place where it is carried on .

CHAPTER IV

Restrictions on Working Hours o Adults.

Weekly hours

34. No adult worker shall be allowed to work in a factory for more than fifty-four hours in a week, or, where the factory is a seasonal one, for more than sixt hours in any week;

Provided that an adult in a non-seasonal factory engaged in work which for technical reasons must be continuous throughout th day may work for fifty-six hours in any week.

35. (1) No adult worker shall be allowed to work in a factory on a Sunday unless -

(a) he has had or will have a holiday for a whole day on one o the three days immediately befor or after that Sunday, and

(b) the manager of the factory has, before that Sunday or the substituted day, whichever is earlier, -

(i) delivered a notice to the office of the Inspector of his intention to require the worker to work on the Sunday and of the day which is to be substituted and

(ii) displayed a notice to that effect in the factory;

Provided that no substitution shall be made which will result in any worker working for more than ten days consecutively without a holiday for a whole day.

(2) Notices given under sub-section (1) may be cancelled by a notice delivered to the office of the Inspector and a notice displayed in the factory not later than the day before the Sunday or the holiday to be cancelled, whichever is earlier.

(3) Where, in accordance with the provisions of sub-section (1), any worker works on a Sunday and has had a holiday on one of the three days immediately before it, that Sunday shall, for the purpose of calculating his weekly hours of work, be included in the preceding week.

36. No adult worker shall be allowed to work in a factory for more than ten hours in any day ;

Provided that a male adult worker in a seasonal factory may work for eleven hours in any day.

37. The periods of work of adult workers in a factory during each day shall be fixed either -

a) so that no period shall exceed six hours, and so that no worker shall work for more than six hours before he has had an interval for rest of at least one hour;

or

(b) so that no period shall exceed five hours and so that no worker shall work for more than five hours before he has had an interval for rest of at least half

an hour, or for more than eight and half hours before he has had at leas two such intervals.

The periods of work of an adult worke

Spreadover. in a factory shall be so arranged that, along with his intervals for rest under section 37, they shall not spread over more than thirteen hours in any day, save with the permission of the Government and subject to such conditions as it may impose, either generally or in the case of any particular factory.

Notice of Periods for Work for Adults and preparation thereof.

39.(1) There shall be displayed and correctly maintained in every factory in accordance with the provisions of sub section (2) of section 76 a Notice of Periods for Work for Adults showing --- clearly the periods within which adult workers may be required to work.

(2) The periods shown in the Notice required by sub-section (1) shall be fixed beforehand in accordance with the following provisions of this section and shall be such that workers working for those periods would not be working in contravention of any of the provisions of sections 34,35,36,37 and 38.

(3) Where all the adult workers in factory are required to work within the same periods, the manager of the facto-

factory shall fix those periods for such workers generally.

(4) Where all the adult workers in a factory are not required to work within the same periods, the manager of the Factory shall classfify them into groups according to the nature of their work.

(5) For each group which is not required to work on a system of shifts, the manager of the factory shall fix the periods within which the group may be required to work.

(6) Where any group is required work on a system of shifts and therelays are not to be subject to predetermined riodical changes of shift, the manager of the factory shall fix the periods within which each relay of the group may be required to work.

(7) Where any group is to work on a system of shifts and the relays are to be subject to predetermined periodical changes of shifts, the manager of the factory shall draw up a scheme of shifts whereunder the periods within which any relay of the group may be required to work and the relay which will be working at any time of the day shall be known for any day.

(8) The Government may made rules prescribing forms for the Notice of Periods for Work for Adults and the manner in which it shall be maintained.

40 (1) A copy of the Notice referred to in sub-section (1) of section 39 shall be sent in duplicate to the Inspector within fourteen days after the commencement of this Regulation or, if the factory begins work after the commencement of this Regulation, before the day on which it begins work.

Copy of Notice of Periods for work to be sent to Inspector.

(2) Any proposed change in the system of work in a factory which will necessitate a change in the Notice shall be notified to the Inspector in duplicate before the change is made, and, except with the previous sanction of the Inspector, no such change shall be made until one week has elapsed since the last change.

41 (1) The manager of every factor shall maintain a Register of Adult Workers showing

Register of Adult Workers.

(a) the name of each adult worker in the factory,

(b) the nature of his work.

(c) the group, if any, in which

which he is included,

(d) where his group works on shifts, the relay to which he is allotted, a n d

(e) such other particulars as may be prescribed:

Provided that, if the Inspector is of opinion that any muster roll or register maintained as part of the routine of a factory gives in respect of any or all of the workers in the factory the particulars required under this section, he may, by order in writing, direct that such muster roll or register shall to the corresponding extent be maintained in place of and be treated as the Register of Adult Workers in that factory:

Provided further that, where the Government is satisfied that the conditions of work in any factory or class of factories are such that there is no -- appreciable risk of contravention of the provisions of this Chapter in the case of that factory or factories of that class as the case may be, the Government may, by written order, exempt, on such conditions as it may impose, that factory or all factories of that class, as the case may be, from the provisions of this section.

(2) The Government may make rules prescribing the form of the Register of Adult Workers, the manner in which it shall be maintained and the period for which it shall be preserved.

Hours of work to correspond with Notice under section 39 and Register under section 41.

42. No adult worker shall be allowed to work otherwise than in accordance with the Notice of Periods for Work for Adults displayed under subsection (1) of section 39 and the entries made beforehand against his name in the Register of Adult Workers maintained under section 41.

Power to make rules exempting from restrictions.

43. (1) The Government may make rules defining the persons who hold positions of supervision or management or are employed in a confidential position in a factory, and the provision of this Chapter shall not apply to any person so defined.

(2) The Government may make rules for adult workers providing for the exemption, to such extent and subject to such conditions as may be prescribed in such rules :-

(a) of workers engaged on urgent repairs - from the provisions of sections 34,35,36,37 and 38;

(b) of workers engaged in work in t
nature of preparatory or compl
mentary work which must neces
sarily be carried on outside
limits laid down for the gener
working of the factory - from
provisions of sections 34,36,3
and 38;

(c) of workers engaged in work whic
is necessarily so intermitten
that the intervals during whi
they do not work while on dut
ordinarily amount to more than
the intervals for rest require
under section 37 - from the pr
visions of sections 34,36,37 a
38;

(d) of workers engaged in any work
which for technical reasons mu
be carried on continuously --
throughout the day from the pr
visions of sections 34,35,36,3
and 38;

(e) of workers engaged in making or
supplying articles of prime ne
cessity which must be made or
supplied every day from the pr
visions of section 35;

f) of workers engaged in a manufac
turing process which cannot be
carried on except during fixed
seasons from the provisions of
section 35;

g) of workers engaged in a manufa
turing process which cannot b
carried on except at times de
pendent on the irregular actio
of natural force - from the pro
visions of section 35 and secti
37; a n d

h) of workers engaged in engine-roo
r boiler-houses - from the provisio
f section 35.

(3) Rules made under sub-section

(2) providing for any exemption may

also provide for any consequential

exemption ~~may also provide for a~~

~~any consequential exemption~~ from the provisions of sections 39 and 40 which the Government may deem to be expedient, subject to such conditions as it may impose.

(4) In making rules under this section the Government shall prescribe the maximum limits for the weekly hours of work for all classes of workers, and any exemption given, other than an exemption under clause (a) of sub-section (2), shall be subject to such limits.

(5) Rules made under this section shall remain in force for not more than three years.

Power to make orders exempting from restrictions.

44. (1) Where the Government is satisfied that, owing to the nature of the work carried on or to other circumstances, it is unreasonable to require that the periods of work of any adult workers in any factory or class of factories should be fixed beforehand, it may, by written order, relax or modify the provisions of sections 39 and 40 in respect of such workers to such extent and in such manner as it may think fit, and subject to such conditions as it may d

deem expedient to ensure control over periods of work.

2) The Government, or subject to the control of the Government the Chief Inspector, may, by written order exempt, on such conditions as it or he may deem expedient, any or all of the adult workers in any factory, or group or class of factories, from any or all of the provisions of sections 34,35,36 37,38,39 and 40, on the ground that the exemption is required to enable the factory or factories to deal with an exceptional press of work.

(3) Any exemption given under sub-section (2) in respect of weekly hours of work shall be subject to the maximum limits prescribed under sub-section (4) of section 43.

(4) An order under sub-section (2) shall remain in force for such period as it may specify, but in no case for more than two months from the date on which notice thereof is given to the manager of the factory.

Further restrictions on the employment of women.

45.(1) The provisions of this Chapter shall, in their application to women workers in factories, be supplemented by the following furth

further restrictions, namely:-

(a) no exemption from the provisions of section 36 may be granted in respect of any women; a n d

(b) no women shall be allowed to work in a factory except between 6 A. and 7 P.M.

Provided that the Government may, by notification in the Official Gazette, in respect of any class or classes of factories and for the whole year or any part of it, vary the limits laid down in clause (b) to any span of thirteen hours between 5 A and 7-30 P.M.

Provided further that, in respect of any seasonal factory or class of seasonal factories in a specified -- area, the Government may make rules -- imposing a further restriction by -- defining the period or periods of the day, within which women may be allowed to work, such that the period or periods so defined shall lie within the span fixed by clause (b) or under the above proviso and shall not be less than ten hours in the aggregate.

46. Where a worker works on a shift whic extends over midnight, the ensuing day for hi shall be deemed to be the period of twenty-four hours beginning when such shift ends, and the hours he has worked after midnight shall be counted towards the previous day:

Special provision for night-shifts.

Provided that the Government may, by ord in writing, direct that in the case of any specified factory or any specified class o workers therein the ensuing day shall be deem ed to be the period of twenty-four hours beginning when such shift begins and that th hours worked before mid-night shall be count- ed towards the ensuing day.

47. (1) Where a worker in any factory wor for more than sixty hours in any ~~week~~ week or where a worker in a fac tory other than a seasonal factory works for more than ten hours in an day,

Extra pay for over-time.

he shall be entitled in respect of the overtime worked to pay at the rate of one-and a-half times his ordinary rate of pay.

(2) Where a worker in a factory other than a seasonal factory works for more hours in any week than are permitted under section 34, he shall be entitled, in respect of the overtime worked excluding any overtime in respect of which he is entitled to extra pay under sub-section (1), to pay at the rate of one-and-a-quarter times his ordinary rate of pay.

(3) Where any workers are paid on a piece rate basis, Government in consultation with the industry concerned may for the pur

purposes of this section fix time rates as nearly as possible equivalent to the average rate of earnings of those workers, and the rates so fixed shall be deemed to be the ordinary rates of pay of those workers for the purposes of this section.

(4) The Government may prescribe the registers that shall be maintained in a factory for the purpose of securing compliance with the provisions of this section.

Restriction on double employment.

48. No adult worker shall be allowed to work in any factory on any day on which he has already been working in any other factory, save in such circumstances as may be prescribed.

Control of over-lapping shifts.

49. The Government may make rules providing that in any specified class or classes of factories work shall not be carried on by a system of shifts so arranged that more than one relay of workers is engaged in work of the same kind at the same time, save with the permission of the Government and subject to such conditions as it may impose, either generally or in the case of any particular factory.

Chapter V.

Special Provisions for Adolescents and Children.

Prohibition of employment of young children.

50. No child who has not completed his twelfth year shall be allowed to work in any factory.

Non-adult workers to carry tokens giving reference to certificates of fitness.

51. No child who has completed his twelfth year and no adolescent shall be allowed to work in any factory unless--

(a) a certificate of fitness granted to him under section 52 is in the custody of the manager of the factory, and

(b) he carries while he is at work a token giving a reference to such certificate

Certificates of fitness.

52.(1) A certifying surgeon shall, on the application of any young person who wishes to work in a factory, or of the parent or guardian of such person, or of the manager of the factory in which such person wishes to work, examine such person and ascertain his fitness for such work.

(2)The certifying surgeon, after examination, may grant to such person, in the prescribed form--

(a) a certificate of fitness to work in a factory as a child, if he is satisfied that such person has completed his twelfth year, that he has attained the prescribed physical standards (if any), and that he is fit for such work; or

(b) a certificate of fitness to work in a factory as an adult, if he is satisfied that such person has completed his fifteenth year and is fit for a full day's work in a factory.

(3) A certifying surgeon may revoke any certificate granted under sub-section (2), if his opinion, the holder of it is no longer fit to work in the capacity stated therein in a factory.

(4) Where a certifying surgeon or a practitioner authorised under sub-section (2) of section 12 refuses to grant a certificate or a certificate of the kind requested, or revokes a certificate, he shall, if so requested by a person who could have applied for the certificate, state his reasons in writing for so doing.

Effect of certificate granted to adolescent.

53.(1) An adolescent who has been granted a certificate of fitness to work in a factory as an adult, under clause (b) of sub-section (2) of section 52, and who, while at work in a factory carries a token giving reference to the certificate, shall be deemed to be an adult for all the purposes of Chapter IV,

(2) An adolescent who has not been granted a certificate of fitness to work in a factory as an adult, under sub-section (2) of section 52, shall, notwithstanding his age, be deemed to be a child for the purposes of this Regulation.

Restrictions on the working hours of a child.

54. (1) No child shall be allowed to work in a factory for more than five hours in any day.

(2) The hours of work of a child shall be so arranged that they shallnot spread over more than sewen-and-a-half hours in any day.

(3) No child shall be allowed to work in a factory except between 6 A.M. and 7 P.M:

Provided that the Government may, by notification in the Official Gazette, in -- respect of any class or classes of factories and for the whole year or any part of it, var these limits to any span of thirteen hours netween 5 A.M. and 7.30 P.M.

(4) The provisions of section 35 shall apply also to child workers, but no exemptior from the provisions of that section may be granted in respect of any child.

(5) No child shall be allowed to work ir any factory on any day on which he has alread been working in another factory.

55. (1) There shall be displayed and - - correctly maintained in every factory, in accordance with the provisions of sub-section (2) of section 76, a Notice of Periods for Work for Children, showing clearl the periods ~~which~~ within which children may be required to work.

Notice of Periods for Work for Children.

(2) The periods showing in the Notice -- required by sub-section (1) shall be fixed beforehand in accordance with the method laid down for adults in section 39 and shall be such that children working for those periods would not be working in contravention of section 54.

(3) The provisions of section 40 shall apply also to the Notice of Periods for Wor

for Children.

(4) The Government may make rules prescribing forms for the Notice of Periods for Work for Children and the manner in which it shall be maintained.

Register of Child Workers.

56. (1) The manager of every factory in which children are employed shall maintain a Register of Child Workers showing:-

(a) the name of each child worker in the factory,

(b) the nature of his work,

(c) the group, if any, in which he is included,

(d) where his group works on shifts, the relay to which he is allotted,

(e) the number of his certificate of fitness granted under section 52, and

(f) such other particulars as may be prescribed.

(2) The Government may make rules prescribing the form of the Register of Child Workers, the manner in which it shall be maintained, and and the period for which it shall be preserved.

Hours of work to correspond with Notice and Register.

57. No child shall be allowed to work otherwise than in accordance with the Notice of Periods for Work for children displayed under sub-section (1) of section 55 and the entries made beforehand against his name in the Register of Child Workers maintained under sub-section (1) of Section 56.

Power to require medical examination.

58. Where an Inspector is of opinion:-

(a) that any pe

working in

factory without a certificate of fitness is a child or an adolescent, or

(b) that a child or adolescent working in a factory wit_ _ certificate is no longer fit to work in the capacity stated therein,

he may serve on the manager of the factory a notice requiring that such person, or that such child or adolescent, as the case may be shall be examined by a certifying surgeon or by a practitioner xzt authorised under sub section (2) of section 12, and such person child or adolescent shall not, if the Inspector so directs, be allowed to work in any factory until he has been so examined an has been granted a certificate of fitness or a fresh certificate of fitness, as the case may be.

59. The Government may make rules--

Power to make rules-

(a) prescribing the forms of certificates of fitness to be granted under section 52, providing for the grant of duplicates in the event of loss of the original certificates, and fixing th fees which may be charged for such certificates and such duplicates;

(b) prescribing the physical standards to be attained by children and adolescents

(c) regulating the procedure of certifying surgeons under this Chapter, and specifying other duties which they may be required to perform in connectior with the employment of children and adolecents in factories; and

(d) providing for any other matter which may be expedient in order to give effect to the provisions of this ch

Chapter VI.

Penalties and Procedure.

If in any factory--

Penalty for contravention of Regulation and rules.

(a) there is any contravention--

(i) of any of the provisions of sections 18 to 29 inclusive,

(ii) of any order made under any of the said sections, or

(iii) of any of the said sections read with rules made in pursuance thereof under clause (a) of section 32, or

(iv) of any rule made under any o the said sections or under clause (b), clause (c), or clause (g) of section 32 of section 33, or

(v) of any condition imposed unde sub-section (3) of section 31 or

(b) any person is allowed to work i contravention--

(i) of any of the provisions of sections 34 to 38 inclusive, 45 and 48, or

(ii) of any rule made under any of the said sections, or under section 4

(iii) of any condition attached to any exemption granted under section 4 or section 44 or section 45 or to any permission granted under sectic 38 or section 49, or

(c) there is any contravention of any of the provisions of sections 39 to 41 inclusiv or of any rule made under section 39, section 41 or section 47, or of any - condition attached to any exemption - granted under section 41 or to any modifi cation or relaxation made under section 44, or

(d) any person is not paid any extra pay to which he is entitled under the provisio of section 47, or

(e) any adolescent or child is allowed to work in contravention of any of the provi sions of sections 50,51,54,55,57 and 58,

(f) there is any contravention of section 55 or section 56 or of any rules made under either of these sections, or under cla (d) of section 59,

the manager and occupier of the factory shall each be punishable with fine which may extend to five hundred rupees:

Provided that if both the manager and t occupier are convicted, the aggregate of fines inflicted in respect of the same contravention shall not exceed this amount.

61. If any person who has been convicted of any offence punishable under clauses (b) to (f) inclusive of section 60 is again guilty of an offence involving a contravention of the same provision, he shall be punishable on the second conviction with fine which may extend to seven hundred and fifty rupees and shall not be less than one hundred rupees, and if he is again so guilty, shall be punishable on the third or any subsequent conviction with fine which may extend to one thousand rupees and shall not be less than two hundred and fifty rupees:

Enhanced penalty in certain cases after previous conviction.

Provided that for the purposes of this section no cognizance shall be taken of any conviction made more than two years before the commission of the offence which is being punished:

Provided further that the Court, if it is satisfied that there are exceptional circumstances warranting such a course, may, - after recording its reasons in writing, impose a smaller fine than is required by this - section.

62. An occupier of a factory who fails to give any - notice required by sub-section (1) or sub-section (2) of section 9 shall be punishable with fine which may extend to fi

Penalty for failure to give notice of commencement of work or of change of manager.

five hundred rupees.

63. Whoever wilfully obstructs an Inspector in the exercise of any power under section 11, or fails to produce on demand by an Inspector any registers or other documents in his custody kept in pursuance of this Regulation or of any of the rules made thereunder, or conceals or prevents any worker in a factory from appearing before or being examined by an Inspector, shall be punishable with fine which may extend to five hundred rupees.

Penalty for obstructing Inspector.

64. A manager of a factory who fails to give notice of an accident as required under section 30 shall be punishable with fine which may extend to five hundred rupees.

Penalty for failure to give notice of accidents.

65. If in respect of any factory any return is not furnished as required under section 7[illegible] the manager and the occupier of the factory shall each be liable to fine which may extend to five hundred rupees

Penalty for failure to make returns.

Provided that if both the manager and the occupier are convicted, the aggregate of the fines inflicted shall not exceed this amount.

66. Whoever smokes, or uses a naked light or causes or permits any

Penalty for smoking or using naked light in vicinity of inflammable material.

such light to be used in the vicinity of any inflammable material in a factory shall be punishable with fine which may extend five hundred rupees.

Exception.- This provision does not extend to the use, in accordance with such precautions as may be prescribed, of a naked light in the course of a manufacturing process.

Penalty for using false certificate.

67. Whoever knowingly uses or attempts to use, as a certificate granted to himself under section 52, a certificate granted to another person under that section, or who, having procured such a certificate, knowingly allows it to be used, or an attempt to use it to be made by another person shall be punishable with fine which may extend to twenty rupees.

Penalty on guardian for permitting double employment of a child.

68. If a child works in a factory on any day on which he has already been working in another factory, the parent or guardian of the child or the person having custody of or control over him, or obtaining any direct benefit from his wages, shall be punishable with fine which may extend to twenty rupees, unless it appears to the Court that the child so worked without the consent, connivance or wilful default of such parent, guardian or person.

69. A manager of a factory who fails to display the notice requi

Penalty for failure to display certain notices.

under sub-section (1) of section 76 or by any rule made under this Regulation or to display or maintain any such notice as required by sub-section (2) of that sectio shall be punishable with fine which ma extend to five hundred rupees.

70. (1) Where the occupier of a factory is a firm or associa-

Determination of "occupier" for purposes of this Chapter.

tion of c- individuals, any one of the individual partners or members thereof may be prosecuted and punished under this Chapter for any offence for which the occupier of the factory is punishable:

Provided that the firm or associati may give notice to the Inspector that it h nominated one of its number who is residen in Mysore to be the occupier of the facto for the purposes of this Chapter, and such individual shall so long as he is so - resident be deemed to be the occupier for the purposes of this Chapter until further notice cancelling his nomination is - received by the Inspector or until he - ceases to be a partner or member of the firm or association.

(2) Where the occupier of a factory is a company, any one of the directors thereof, or, in the case of a private company, any one of the shareholders thereof, may be

prosecuted and punished under this Chapter for any offence for which the occupier of the factory is punishable:

Provided that the company may give notice to the Inspector that it has nominate a director, or in the case of a private company, a shareholder, who is resident in either case in Mysore to be the occupier of the factory for the purposes of this Chapter, and such director of shareholder shall so long as he is so resident be deemed to be the occupier of the factory for the purposes of this Chapter until further notice cancelling his nomination is received by the Inspector or until he ceases to be a director or shareholder.

Exemption of occupier or manager from liability in certain cases;

71. (1) Where the occupier or manager of a factory is charged with an offence against this Regulation he shall be entitled upon complaint duly made by him to have any other person whom he charges as the actual offender brought before the Court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the occupier or manager of the factory proves to the satisfaction of the Court -

(a) that he has used due diligence to enforce the execution of this Regulation, and

(b) that the said other person committed the offence in question without his knowledge, consent or connivance,

that other person shall be convicted of the offence and shall be liable to the like fine as if he were the occupier or manager, and the occupier or manager shall be discharged from any liability under this Regulation.

(2) When it is made to appear to the satisfaction of the Inspector at any time prior to the institution of the proceeding

(a) that the occupier or manager of the factory has used all due diligence to enforce the execution of this Regulation and

(b) by what person the offence has been committed, and

(c) that it has been committed without the knowledge, consent or connivance of the occupier or manager, and in contravention of his orders,

the Inspector shall proceed against the person whom he believes to be the actual offender without first proceeding against the occupier or manager of the factory, and such person shall be liable to the like fine as if he were the occupier or manager.

Presumption as to employment.

72. If a child over the age of six years is found inside any part of a factory in which children are working, he shall, until the contrary is proved, be deemed to be working in the factory.

73. (1) When an act or omission would, if a person were under or over a certain age

be an offence punishable under this Regula tion and such person is in the opinion of the Court apparen ly under or over such age, the burden shall be on the accuse to prove that such person is not under or over such age.

Evidence as to age.

(2) A declaration in writing by a certi- fying surgeon relating to a worker that h has personally examined him and believes him to be under or over the age set forth in such declaration shall, for the purposes of this Regulation, be admissible as - evidence of the age of that worker.

74. (1) No prosecution under this Regula tion, except a pro secution under se tion 66, shall be instituted except by or with the previous sanction of the Inspecto.

Cognizance of offences.

(2) No Court inferior to that of a Magis trate of the first class shall try any offence against this Regulation or any rule or order made thereunder, other than an offence under section 66 or section 67.

75. No Court shall take cognizance of an offence under this Regulation or any rule o order thereunder, other than an offence und section 62 or section 64. unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed:

Limitation of prosecutions.

Provided that when the offence consists of disobeying a written order made by an Inspector, complaint thereof may be made withwtwelve months of the date on which the offence is alleged to have been committed

CHAPTER VII.

SUPPLEMENTAL.

Display of factory notices.

76.(1) In addition to the notices required to be displayed in any factory by this Regulation or the rules made thereunder, there shall be displayed in every factory a notice containing such abstracts of this Regulation and of the rules made thereunder, in English and in the vernacular of the majority of the workers, as the Government may prescribe.

(2) All notices required to be displayed in a factory shall be displayed at some conspicuous place at or near the main entrance to the factory, and shall be maintained in a clean and legible condition.

Power of Government to make rules.

77. The Government may make rules requiring occupiers or managers of factories to submit such returns, occasional or periodical, as may in his opinion be required for the purposes of this Regulation.

Publication of rules.

78.(1) All rules made under this Regulation shall be subject to the condition of previous publication, and the date to be specified ~~(under clause (3) of section 23 of the General Clauses Act.)~~ shall not be less

than three months from the date on which the draft of the proposed rules was published.

(2) All such rules shall be published in the official Gazette and shall, unless some later date is appointed, come into force on the date of such publication.

Application to Government factories.

79. This Regulation shall apply to factories belonging to the Government.

Protection to persons acting under this Regulation.

80. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Regulation.

Repeal and savings.

81. The enactments mentioned in the Schedule are hereby repealed to the extent specified in the fourth column thereof:

Provided that anything done under the said enactments which could have been done under this Regulation if it had then been in force shall be deemed to have been done under this Regulation.

THE SCHEDULE.

Enactments Repealed.

(See Section 8[illegible]).

Year 1	No. 2	Short title 3	Extent of repeal 4
1911	XII	The Indian Factories Act, 1911.	The whole
1922	II	The Indian Factories (Amendment) Act 1922.	The whole
1923	IX	The Indian Factories (Amendment) Act, 1923.	The whole
1926	XXVI	The Indian Factories (Amendment) Act, 1926.	The whole
1930	VIII	The Repealing and Amending Act, 1930.	So much of First Schedu... as relates to the Indian Factories Act, 1911.
1931	XIII	The Indian Factories (Amendment) Act, 1931.	The whole.

Year | No | Short title | Extent of

1914 | III | The Mysore Factories Regn | the whole

19[illegible] | VI | [illegible] Amendment Regn

NOTE ON THE AMENDMENTS TO THE MYSORE FACTORIES REGULATION.

The Mysore Factories Regulation No. III of 1914 amended by Regulation No VI of 1925 follows the Indian Factories Act of 1922. The Indian Act was subsequently amended in 1923, 1926 and 1931. The question of amending the Mysore Regulation further so as to bring it into conformity with the Indian Factories Act was taken up about four years ago. There was also an idea of incorporating in the law some of the more important recommendations on the subject of the Royal Commission on labour in India. The Government of India also took up this question and a consolidating and amending Act—"The Factories Act No. XXV of 1934" was passed in August last and this Act came into force on 1st January 1935 The original Act of 1911 and the subsequent amending Acts were repealed.

The Indian Act of 1934 differs from the earlier Acts in several respects. The new Act aims at discriminating in certain important matters between the seasonal and non-seasonal factories. It prescribes a different set of standards applicable to seasonal factories only. In addition to the two age groups into which the factory operatives were previously divided, *i.e.*, adults and children, a third age group is introduced in the new Act, *i.e.*, adolescents or young persons. The maximum hours of work in non-seasonal factories have been limited to 10 hours per day and 54 hours per week. In seasonal factories, *i.e.*, factories working for less than 180 days in the year, the hours of work are limited to 11 per day and 60 per week. The maximum hours of work permitted in the case of children are 5 per day both in the seasonal and non-seasonal factories. The new Act introduces for the first time the principles of "spread over," *i.e.*, the limitation of the period or the number of consecutive hours during which the daily limits of hours of work may be availed of by the owner or occupier of a factory. The spread over in the case of adults is limited to 13 consecutive hours and in the case of children to 7½ consecutive hours.

The amendments to be made in the Mysore Factories Regulation to bring it into a line with the Indian Factories Act 1934 are noted below:—

Scope of the Law.—The amendments do not involve any addition to the existing number of factories subject to the Regulation. But the definition of "factory" in the Indian Act makes it clear when an industrial establishment becomes a factory. An establishment becomes a factory when not less than 20 persons were employed on any one day during the preceding 12 months (Sec. 2., Cl. j). Provision is made for distinguishing seasonal factories from the factories working throughout the year. A factory engaged in cotton ginning and pressing, decortication of groundnuts, manufacture of coffee, tea, lac, rubber, sugar, gur, etc., is a seasonal factory. Government may declare a seasonal factory to be a perennial factory when it works for more than 180 days in the year. Similarly, under certain circumstances, any specified factory may be notified as a seasonal factory (Sec. 4 . Where the number of operatives in a factory is less than 20 and it is not likely to be so or more on any day during the ensuing 12 months, such a factory may be exempted from the operation of the Act (Sec. 7).

Health and Safety.—Where the manufacturing processes disseminate large amounts of dust, the adoption of mechanical systems resulting in a constant flow of fresh air would not only conserve their health but also add to the comfort of the operatives. Government may make rules for any class of factories requiring mechanical or other devices to be provided and maintained for preventing the generation or inhalation of gas, dust or other impurities, and specify the nature of such devices (Sec. 14). The artificial humidification in a factory should be so arranged as not to cause discomfort to the operatives. The adoption of specified measures before the date specified can be enforced (Sec. 16). The workers are to be provided with sufficient supply of water for washing with suitable facilities in factories where the manufacturing process involves contact with injurious or obnoxious substances (Sec 19). It is made obligatory for every factory to maintain separate and sufficient latrine and urinal accommodation for men and women in a clean and sanitary condition during all working hours (Sec. 20.) Inspectors are granted powers to call upon the managers of factories to carry out such tests as may be necessary to determine the strength and quality of any specified part of the structure of factories if they are of opinion that on account of any defect or

inadequacy in the construction of any factory, the factory or any part thereof is dangerous to human life or safety. Government may make rules for the furnishing by factories of certificates of stability (Secs. 25 and 26). Government may also require any specified factory in which more than 150 workers are ordinarily employed, an adequate shelter for the use of the workers during periods of rest (Sec. 33). Where a factory employs more than 50 women, it may be required to reserve a suitable room for the use of children under the age of 6 years belonging to such women. Power is taken to make rules providing for the protection of persons employed in hazardous operations that may be specified and the prohibition of the employment of women, children and adolescents in such operations.

Hours of Employment and Holidays.—The Mysore Factories Regulation requires that no person shall be employed in a factory for more than 60 hours in a week or 11 hours a day. The Royal Commission on Labour recommended the reduction to 54 hours a week and the Indian Act accordingly limits the hours of work to 54 hours a week and 10 in a day. In the case of seasonal factories, 60 hours of work a week and 11 hours a day are permitted (Sections 34 and 36). The periods of work of an adult worker in a factory shall be so arranged that they should not spread over more than 13 hours in any day. Provision is made to secure that there is no over-lapping of shifts, *i.e.*, simultaneous employment on work of the same kind of more than one shift of persons. Exemptions from the operation of provisions in regard to the daily and weekly hours of work, rest intervals, spread over should not be in force for more than three years. The Royal Commission advocated that such exemptions should be reviewed frequently and the aim should be to reduce exemptions to the smallest dimensions possible. The Chief Inspector of Factories is permitted to grant exemptions when factories have to deal with an exceptional process of work but such exemptions are for two months only. The pay for overtime work is at one and a half times the ordinary rate of pay. Hours of work for adults should correspond with the notice of periods of work for adults and the entries made in the register of workers.

The daily hours of work for women are limited to 10 as against 11 in our Regulation and no exemption is allowed from the operation of this section. Women should not be employed except between 6 A.M. and 7 P.M. No child who has not completed his 12th year is permitted to work in a factory. The minimum age prescribed in our Regulation is 11 years. According to the Indian Act, no child is permitted to work for more than five hours a day. He cannot be employed except between 6 A.M. and 7 P.M. and the spread over should not exceed 7½ hours a day. The hours of work for children in our Regulation are limited to 5½ hours a day. Every child and every adolescent, *i.e.*, a person between 15 and 17 years, should be found fit for employment. An adolescent may be certified as fit to work as an adult and in that case, he should be deemed to be an adult and when he is not so certified, he should be deemed to be a child. The Inspector is permitted to call upon the manager of a factory not to permit a child or adolescent to work until he is again examined and found fit for work. A register of child workers should be maintained in each factory. Government may prescribe the physical standards to be attained by children and adolescents. The parent or guardian of a child is liable to a fine if he permits the double employment of a child, *i.e.*, working in two factories on the same day with different names and certificates. Hours of work for children should correspond with the notice of periods of work and entries made in the register of child workers.

Penalties.—Provision is made in the Indian Act (Section 61) for imposing adequate fines for offences repeated within two years. Where a factory is owned by a firm of individuals or a company, any one of the partners of the firm or director of the company may be prosecuted and punished for offences under the Act (Section 70). When the offence consists of disobeying the order of an Inspector, the limit of time for complaints is extended to 12 months from the date on which the offence is alleged to have been committed.

Notices, Registers, etc.—The Indian Act requires the maintenance of a register of child workers. Power is also taken for making rules requiring occupiers and managers of factories to submit such returns—occasional or periodical—as may be required for the purposes of the Act.

Statement of Objects and Reasons.

The Mysore Factories Regulation was passe in 1914 and was based on the Indian Factories Act of 1911. The Indian Act was amended in 1922 and the Regulation in Mysore was amended accordingly in 1925. Since then however the Indian Act has undergone modifications in 1923, 1926 and 1931. The question of amending the Mysore Regulation on the lines of the Indian Act has been under consideration for some years past. When in 1929 the Royal Commission on Labour was appointed in British India it was considered desirable to await its recommendat before taking action to amend the law in Mys. The Royal Commission made a number of recomme tions for the amendment of the Indian Act and these were published with their Report in Jul 1931. After examining these in detail the Government of India drafted a Bill to replace the Factories Act then in force. The Bill embodied a great majority of the more important recommendations of the Royal Commission with such further alterations that experience has shown to be desirable. The opportunity was a taken to rearrange the Law on the subject and t revise its expression wherever necessary. The Bill was introduced in the Indian Legislature in 1933 and was passed into Law as the Indian Factories Act of XXV of 1934 in last August and came into force from 1st January 1935.

Government consider that the time has come for the amendment of the Law relating to labour in factories in Mysore on the lines of the Indi Act.

The Board of Industries and Commerce who were consulted in the matter are of opinion tha the amendments may be adopted and the Regulatio brought into line with the Indian Factories Act The present Bill has accordingly been framed closely on the lines of the Indian Act with the necessary alterations to suit the conditions in Mysore.

The substantial changes made in the presen Law are explained in the Notes on clauses Nearly all the more important alterations are based on the recommendations of the Royal Commission. This Bill when passed into law will supersede the Mysore Factories Regulat 1914 as amended in 1925.

Notes on clauses.

(In these Notes " Section " denotes a section of the present Regulation)

Clause 2.- The definitions have been generally revised and supplemented making them accurate and exhaustive and those defining the manufacturing proces and determining when a person is employed have been simplified. The definition of "factory" has been modified so as to cover those establishments which, although they employ more than 20 persons in the day do not employ that number simultaneously.

Clause 3.- This clause ~~recognizes~~ is necessary in view of the general acceptance of standard time.

Clause 4.- The Labour Commission recommended differential treatment for seasonal and non-seasona factories in the matter of adult hours and in other respects. This clause is based on their recommendations.

Clause 5.- This clause reproduces the provision contained in section 2(3) empowering the Government to bring workshops not using power and the smaller power-factories within the scope of the Regulation: but certain changes have been made. It is proposed that the Government should be empowered to apply the Regulation to workshops in full or in part: at present th have no choice between applying the whole of the Regulation or none in such cases. Provision has been made in sub~~section~~ clause (2) for the notification of classes of premises, where neces

and sub~~section~~ clause (3) is designed to ensure that a notification of the Government does not remain ~~fx~~ in force after the conditions justifying its issue have ceased to apply.

Clause 6 peproduces in substance section 52 but it is proposed that notifications should be limited t specified~~fax~~ factories as there is no occasion for notifications applicable to classes of factories.

Clause 7.- This is a new clause designed to enable the Government to exempt from the Regulation premises which by reason of a change in their use should no longer be treated as factories.

Clause 8.- Cf. section 54.

Clause 9.- Cf. section 33.

Clauses 10 and 11.- Cf. sections 4 and 5. A provision has been added for the appointment of a Chief Inspector.

Clause 12.- Sub-clause (1) reproduces sections 6 and 8, providing that only registered medical practitioners may be appointed as certifying surgeons.

Clause 13.- This combines the provisions of sections 9(a) and 37(2) (e).

Clause 14.- Sub clauses 1 and 2 are based on section 9 (c) and section 37 (2) (g), while sub-clause (3) is based on section 10. Sub-clause (4) is designed to enable the Government to do by rules for classes of factories what Inspectors under sub-clause (3) can do by orders for single factories.

Clause 15, sub-clause (1).- Section 9 (d) a present requires that the atmosphere shall not rendered so humid by artificial means as to be injurious to the health of the workers, and section 37 (2) (g) gives the Government power to prescribe standards of artificial humidificatio and the methods to be adopted to secure their observances. It is now established that humidity, by itself, affords no measure of the degree of danger or discomfort; the cooling powe a factor dependent on the temperature, the humidity and the movement of the air, is a much more reliable criterion. Moreover, the Labour Commission has called attention to the fact that the existing law gives inadequate power to protect the worker from acute discomfort. It is therefore proposed to omit the prohibition of excessive humidity and, in sub-clause (1), to enable the Government to prescribe standards of cooling power, in place of standards of humidification, and to regulate the methods used for artificial humidification. Sub-clauses (2) and (3) reproduce the substance of section 12.

Clause 16.- This is based on a recommendation of the Labour Commission and is intended ~~for~~ to ~~protecting~~ secure workers ~~against the effects of excessive heat~~ from injury to health or serious discomfort on account insufficiency of the cooling properties of the air in a factory.

Clause 17.- This combines the pro isions of section 9 (b) and section 37 (2) (f) with an addition enabling the Government to prescribe standards of floor space either generally or for a particular class of work.

Clause 18.- Sub-clauses (1) and (2) reproduce the substance of section 11. In sub-clause (3) it is proposed to enable the Government to prescrit standards of lighting by rule for particular classe of factories.

Clause 19.- Sub-clauses (1) and (2) reproduce sections 14 and 37 (2) (i). Sub-clause (3) is ne and is based on a recommendation o the Labour Commission.

Clause 20.- This combines sections 13 and 37 (2) (h). The proviso to the former section has been omitted in accordance with a recommendation of the Labour Commission.

Clause 21.- Cf. section 15. The maximum numb of persons who may occupy a room in which thedoors open inwards has been reduced to 20 and the saving in favour of factories erected before 1914 has been omitted.

Clause 22.- This is new prescribing precautions against fire.

Clause 23.- Cf. section 16.

Clause 24.- Cf. section 18.

Clauses 25 and 26.- Inspectors have already power under section 18 A, which is substantially reproduced in clause 26, to issue orders requiring action to be taken where the machinery or plant has become dangerous and prohibiting the use of dangerous machinery or plant pending repairs in cases of necessity. But an Inspector may have reason to fear that the use of certain machinery or plant involves danger without having sufficient ~~evidence~~ data to warrant him in issuing definite orders.

orders requiring its alteration or repair. Clause 25, embodying a recommendation of the Labour Commission, has therefore been added to enable Inspectors to secure the requisite information when necessary. See also clause 33 (3).

Clause 27.- This is based on section 19; but it is proposed to extend to the ~~xx~~ oiling of machinery the prohibition which at present applies to the cleaning of machinery, and to extend it to work done between moving parts as well as between fixed and moving parts.

Clause 28.- Sub-clause (2) reproduces the substance of section 19 A. In sub-clause (1) it is proposed to give the Government gener powers to exclude non-working children with a view to their protection.

Clause 29. reproduces section 20.

Clause 30.- This reproduces section 34 wi a small amendment to secure that notices are given mainly of ~~all~~ accidents resulting in death or serious injury, but also ~~including~~ those in which injury ~~caused~~ is of any nature which may be prescribed in this behalf.

Clause 31.- This is based on section 50. The period for an appeal has been extended to 30 days.

Clause 33.- Sub-clause (3) is based on a recommendation of the Labour Commission, and is designed, along with the provisions of clauses 25 and 26, to protect workers against danger

.tion.

reproduces section

.lause 30.- This reproduces sec
small amendment to secure that notices
given of all accidents resulting in death or
serious injury, including those in which injr
caused is of any nature which may be prescril
in this behalf.

Clause 31.- This
The period for
to 30

dangers arising from the use for factory purposes of unstable buildings. It is limited to factories erected or taken into use after this provision comes into force.

Sub-clause (4) is designed to enable the Government to secure the protection of the worker against special hazards arising from the use of particular processes. The present Regulation already contains in section 19B and the Schedule, provisions designed to protect women and young persons against dangers from lead poisoning, and section 38 A confers on the Government power to make rules for the disinfection of wool which may be infected with anthrax spores. But with the constant elaboration of factory processes the existing Regulation has already proved inadequate; and the steady accumulation of knowledge of the best methods for protection against dangers due to special processes render it desirable that Government should be able to make and to modify from time to time the necessary regulations.

Clause 34.- The main part of the clause embodies the recommendation of the majority of the Labour Commission for the reduction of weekly adult hours in non-seasonal factories to 54. The limit for seasonal factories is retained at 60 hours. In the proviso a special exception is made in favour of factories where the processes must go on throughout the day, such as factories providing electric power and light, waterworks, etc.

Clause 35.- Cf. section 22. Sub-clause (2) providing for the cancellation of notices on the part of the employer is new.

Clause 36.- The majority of the Labour Commission proposed to reduce the hours for adult work in non-seasonal factories from 11 10. This has been embodied in the clause it is proposed to apply a similar reduction to women workers in seasonal factories.

Clause 37.- This is based on section 21, but certain changes have been made. That section is defective in that, where two intervals of half an hour are given, a manage who closes his factory before the second interval is due infringes the law. In addition, the present law makes the request of the employees concerned necessary before the rest interval can be split up into two half hours, ~~and places two additional limitations on the reduction of the interval to half an ho where the working day is 8½ hours or less, vi the sanction of the Government must to obtaine and this reduction can only be permitted in cases of male workers~~ It is proposed to remove ~~all~~ these defects ~~restrictions.~~ With a short working day it is better that the extra half hour should be spent in the worker's home than in the precincts of the factory, and this applies with, if anything, more force to women than to men. Section 51 which allowed in certain circumstances unexpected interruptions of work to count as intervals has been omitted

Clause 38.- This is based on a recommendation of the Labour Commission and is designed to ~~prevent~~ require the hours of work being so arranged that the worker ~~does not~~ gets a reasonably long period away from the factory on each day.

Clauses 39 and 40.- These are based on sections 26 and 36. Opportunity has been taken by inserting separate subsections relating to the various methods by which factory hours are arranged, to make it clear that hours need not be fixed separately for each individual worker. It is provided that notice of periods of work for adults should be sent to the Inspector before the factory begins work. In order to prevent the evasion of the Regulation, it is proposed to provide that changes should be notified to the Inspector before they are made, and that his previous sanction should be required if a change has to be made within a week of the previous change.

Clause 41.- Sub-clause (1) is based on section 35, but the main part of the clause has been remodelled. Sub-clause (2) is based on section 37 (2) (l); the addition relating to the preservation of the register is new.

Clause 42.- This clause is new.

Clause 43.- Sub-clause (1) is based on section 29. Sub clause (2) is based on sections 30 (1) and 30 (3), 32, ~~and 32A (c)~~. The main change proposed is that these exemptions should in future be made by rules under the Regulation and not

not merely by notification. In addition it is proposed that exemptions should not be granted from the weekly holiday in the case of workers engaged in intermittent work, and the definition of such work has been made more specific.

The remaining sub-clauses are new. Sub-clause (3) has been found to be necessary in order to enable the factory management to avail itself of other exemptions that may be given. Sub-clause (4) provides for the fixing of absolute limits to the exemptions and sub-clause (5) is designed to ensure that the exemptions and the conditions in which they are granted are reviewed at intervals.

Clause 44.- This provides for certain exemptions which cannot suitably be made by rules. Sub-clause (1) is designed to meet the case of those factories where the fixing of hours beforehand would impose an unreasonable limitation on the working of the factory: for example, there are factories where work comes in at unexpected times and has to be done with extreme expedition. Sub-clause (2) is based on section 30 (2), but it is proposed that the power to grant exemptions may also be exercised by the Chief Inspector, subject to the control of the Government. Sub-clauses (3) and (4) are designed to secure that the limits prescribed by the Government for overtime apply to such exemptions and that they do not remain in force for an unreasonable period.

Clause 45.- Sub-clause (1) is based on sect 24, but it is proposed to change from 5-30 a.m. to 6 a.m. the hour before which women may not normally be employed. The object is to secure for women a night rest of not less than 11 hours

which is the period prescribed by the International Convention relating to this subject and recommended by the Labour Commission. The provisos are new. ~~Sub-clause (2) is based on section 38A (1) but provides for exemption by rescinded or by notification.~~ Sub-clause (3) has the same object as sub-clause (5) of clause 43.

Clause 46.- This is a new provision designed to meet the difficulties of factories working o shifts.

Clause 47.- Sub-clauses (1) and (2) replace section 31 and embody the Labour Commission's recommendation that work in excess of 60 hours in the week should be paid at the rate of time and a half. It is proposed to make similar provision for work done in excess of the daily limit of hours in a non-seasonal factory.

Clause 48.- Cf- section 25.

Clause 49.- This embodies a recommendation of the Labour Commission and is designed to give the Government power to control the working of multipl shifts.

Clauses 50 to 53.- These embody, so far as children are concerned, the substance of sections 23 (a) and 7. It is proposed to enable the Government to prescribe for the guidance of certifying surgeons granting certificates physical standards to be attained by children.

It is also proposed, as recommended by the Labour Commission, that adolescents should be

be required to produce certificates of fitness before they can be permitted to work as adults. Adolescence has been defined so as to include persons between the ages of 15 and 17. Adolescents may be certified as fit either for children's work or for adult work. In the former case they will be subject to all special restrictions imposed by the Regulation on the work of children, and in the latter case they will be subject to none of these restrictions The Labour Commission also suggested that you persons should be prohibited from working at night, but the advantages to be gained by preventing male adolescents who are certified as fully fit for adult work from working at night do not outweigh the difficulties that would thus be created.

Clause 54.- Sub-clauses (1) and (2) are based on the recommendations of the Labour Commission. Sub-clause (3) is based on sect 23 (b). The same modifications have been ma in the case of children as in the case of women. Sub-clause (4) is designed to ensur that every child, without exception, enjoys a weekly rest. Sub-clause (5) is taken from section 25.

Clauses 55 and 56.- These extend to children the principles applied to adults in clauses 40, 41 and 42.

~~Clause 57.- This is a new clause.~~

Clause 58.- This embodies the principles o

~~sections~~

of section 8A, but it is proposed to extend it, as recommended by the Labour Commission, to persons who appear to the Inspector to be children or adolescents.

Clauses 60, 62 to 69.- These embody, with the necessary consequential additions, sections 41, 43 and 44. Clause 68 is new. Section 43A, which provided for the grant of compensation to injured workers out of fines has been omitted, as adequate provision is now made by the Workmen's Compensation Regulation.

Clause 61.- This follows a recommendation of the Labour Commission and is designed to secure in suitable cases adequate penalties in the case of repeated offences.

Clause 70.- This is a new clause designed to ensure that whenever possible the person responsible as occupier is clearly designated.

Clause 71.- This reproduces section 42.

Clause 72.- Cf. section 46. The provision is at present limited to parts of the factory where certain work is carried on. It is proposed to extend it to all parts of the factory where children are employed.

Clause 73.- Cf. section 47.

Clauses 74 and 75.- Cf. sections 48 and 49. The proviso to clause 75 is new.

Clause 76.- Cf. section 36(1). Sub-clause (2) is new.

Clause 77.- Cf. section 38.

Clause 78.- This is based on sections 39 and 40, but the exception contained in section 39(1) has been omitted.

Clauses 79 and 80.- These reproduce sections 53 and 54.

Clause 81.- The proviso is intended to ensure that there is no breach of continuity in respect of matters not covered by section 6 of the General Clauses Regulation, 1897.

Statement of General Principles of the Bill to consolidate and amend the law relating to labour in factories.

The Mysore Factories Regulation passed in 1914 was closely modelled on the Indian Factorie Act of 1911. On the amendment of the Indian Act in 1922, the Regulation in Mysore was also amended on similar lines by Regulation X of 1925 There have been no modifications of the Mysore Regulation since then, although the Indian Act has undergone amendments subsecuently in 1923, 1926 and 1931.

The question of amending the Mysore Regulation so as to bring it into conformity wit the law as amended in British India has been under consideration for some years past. When in the year 1929 the Royal Commission on Labour was appointed in British India, it was thought desirable to await its recommendations before taking action to amend the law relating to factories in Mysore. The report of the Royal Commission was published in July 1931 and it contained a number of recommendations for the revision of the Indian Factories Act. After examining these recommendations in detail, the Government of India introduced a Bill in the Indian Legislature which was passed into law in August last as the " Indian Factories Act, XXV of 1934". The new Act came into force in British India from 1st January 1935.

Nearly all the more important alterations in the Indian Act are based on the recommendati of the Royal Commission. Opportunity has also been taken to rearrange the law on the subject and to revise its expression wherever necessary at the same time introducing such changes as experience had shown to be desirable.

The Board of Industries and Commerce who were consulted in the matter are of opinion tha the law regulating labour in factories in Mysor may be brought into conformity with the law on the subject as recently enacted in British Indi

The Government now propose to introduce in the Legislative Council a Bill on the lines of the Indian Factories Act, 1934.

The important changes in the existing law are briefly explained in the following paragraphs:-

The definition of " Factory " has been slightly modified. An establishment employing not less than 20 persons simultaneously on any one day of the year comes within the present definition of a factory. It is proposed to amend the definition so as to cover establishments which employ 20 or more persons on any one day although they are not employed simultaneously. It is also made clear by the amendment that the year on any one day of which 20 or more persons should have been employed is the year comprising the preceding twelve months.

The existing provision under which establishments employing 10 or more persons may be declared by the Government to be factories, will be continued.

A differentiation has also been made between factories working all the year round and those working during particular seasons of the year which are called seasonal factories. Different sets of standards in regard to hours of work etc., are prescribe for the latter class of factories. A factory engaged in cotton ginning, cotton pressing, the decortication of groundnuts, the manufacture of coffee, lac, rubber, sugar or tea is classed as a seasonal factory. Government will be empowered to declare a seasonal factory to be a non-seasonal factory when it works for more than 180 days in the year, and to declare any particular factory under certain conditions to be a seasonal factory.

Health and safety.

The present Regulation contains certain provisions to secure the health and safety of the workers in factories. There are provisions to secure cleanliness, good ventilation and lighting, elimination of dust other impurity, prevention of overcrowding, purity of water used for humidifying and ~~provision for~~ sufficient and suitable of latrine and urinal accommodation. The Bill contains provisions calculated for the better safeguarding of the health of the workers and removal of serious

serious discomfort to them during the hours employment. If the cooling properties of the air in any factory are insufficient to secure workers against injury to health or against serious discomfort, power is given to Inspectors to direct remedial measures being taken. In factories where the manufacturing process involves contact with injurious or obnoxious substances, workers will have to be provided with sufficient supply of water for washing. It is made obligatory for every factory to maintain, in a sanitary condition, latrines and urinals for male workers and for female workers separately. Inspectors have powers under the existing Regulation to issue orders requiring action to be taken where the machinery or plant has become dangerous and prohibiting the use of dangerous machinery or plant pending repairs. But there may be cases in which an Inspector ~~xxx~~ without having sufficient data for issuing definite directions of this nature may have reason to believe that the use of certain machinery or plant may involve danger. Provision has therefore been made in the Bill to enable Inspectors in such cases to require ~~xxxxx~~ managers of factories to furnish specifications of defective parts or to carry out tests of stability. Provision is made empowering Government to frame rules (1) requiring that a building shall not be used for factory purposes without a certificate of stability, (2) for the protection of workers engaged in hazardous operations and (3) for providing adequate shelter during rest

rest for the workers and suitable accommodation for the use of children under 6 years belonging to women workers etc.

Special provisions regarding employment of children.

The employment of children under 11 year of age is prohibited under the present Regulation. It is proposed in the Bill to raise the prohibited limit of age to 12. The present Regulation has special provisions regarding the employment of children under 15 years of age and their hours of work. Persons above 15 years of age are considered as adults to whom the general provisions apply. Under the bill persons between the ages 15 and 17 will be classified under a new group called ' adolescents ' and unless they are certified by the certifying surgeon as adults, they will be regarded as ' children'.

For adults the maximum hours of work und the existing Regulation is 60 hours in any one week and 11 hours in any one day. It is proposed in the Bill to reduce the maximum in the case of non-seasonal factories to 54 hours week and 10 hours a day while retaining the maximum of 60 hours a week and 11 hours a day i the case of seasonal factories. The maximum hours of work for children under the existing law is 5½ hours and it is proposed to reduce this to 5 hours. Provision had been made for the grant of exemption by the Government in regard to maximum hours of work in the case of adults subject to certain conditions and limitations but no exemption is permissible in

in regard to hours of work for women, and ~~children.~~ It is provided in the Bill that the periods of work for an adult with intervals for rest shall not spread over more than 13 hours in any one day. This is designed to ensure that ~~prevent~~ the hours of work ~~being~~ are so arranged that the worker ~~does not~~ gets a reasonably long period away from the factory on each day. The spread over in the case of children is limited to 7½ hours.

While the above are the limits regarding ordinary working hours, Government will have power to relax these restrictions to some extent in certain circumstances and subject to certain conditions. Where a worker works for more than the ordinary working hours, the excess is called ' overtime '. While granting exemotions as above, Government shall fix the maximum amount of overtime that a worker will be allowed to work. For overtime in excess of 54 hours a week a worker will be entitled to pay at the rate of 1¼ times his ordinary rate of pay and in excess of 60 hours to 1½ times his ordinary rate of pay. Provision is made to secure that there is no overlapping of shifts, that is, simultaneous employment ~~of~~ on work of the same kind of more than one shift of persons.

a week or on some a day in a non-seasonal factory

Penalties.

Provision is made for ~~imposing an enhanced~~ penalty ~~for an offence~~ repeated ~~within two years.~~ When a factory is owned by a firm of individuals or a company, any one of the partners of the firm or the directors of the company may be prosecuted and punished

punished for offences under the Regulation.

Section 43 A which provided for the grant of compensation to injured workers out of fines has been omitted as adequate provision is now made by the "orkmen's Compensation Regulation.

NOTIFICATION.

No. 4103—L. C., Bangalore, dated 6th June 1935.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to consolidate and amend the law regulating Labour in Factories is published for general information with the statement of objects and reasons.

By Order,

C. SUBRAHMANYA AIYAR,

Secretary,

Mysore Legislative Council.

A Bill to consolidate and amend the Law regulating Labour in Factories.

Whereas it is expedient to consolidate and amend the law regulating labour in factories; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (1) This Regulation may be called the Mysore Factories Regulation, 1936.

(2) It extends to the whole of Mysore.

(3) It shall come into force on the 1st day of April 1936.

Definitions.

In this Regulation, unless there is anything repugnant in the subject or context,

(*a*) "adolescent" means a person who has completed his fifteenth but has not completed his seventeenth year;

(*b*) "adult" means a person who has completed his seventeenth year;

(*c*) "child" means a person who has not completed his fifteenth year;

(*d*) "day" means a period of twenty-four hours beginning at midnight;

(*e*) "week" means a period of seven days beginning at midnight on Saturday night;

(*f*) "power" means electrical energy, and any other form of energy which is mechanically transmitted and is not generated by human or animal agency;

(*g*) "manufacturing process" means any process

(*i*) for making, altering, repairing, ornamenting, finishing or packing, or otherwise treating any article or substance with a view to its use, sale, transport, delivery or disposal, or

(*ii*) for pumping oil, water or sewage, or

(*iii*) for generating, transforming or transmitting power;

(*h*) "worker" means a person employed, whether for wages or not, in any manufacturing process, or in cleaning any part of the machinery or premises used for a manufacturing process, or in any other kind of work

whatsoever incidental to or connected with the manufacturing process, or connected with the subject of the manufacturing process, but does not include any person solely employed in a clerical capacity in any room or place where no manufacturing process is being carried on ;

(*j*) " factory " means any premises including the precincts thereof whereon twenty or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power, or is ordinarily so carried on,

but does not include a mine subject to the operation of the Mysore Mines Regulation, 1906 ; IV of 1906.

(*k*) " machinery " includes all plant whereby power is generated, transformed, transmitted or applied ;

(*l*) " occupier " of a factory means the person who has ultimate control over the affairs of the factory,

provided that where the affairs of a factory are entrusted to a managing agent, such agent shall be deemed to be the occupier of the factory ;

(*m*) where work of the same kind is carried out by two or more sets of workers working during different periods of the day, each of such sets is called a " relay," and the period or periods for which it works is called a " shift " ; and

(*n*) " prescribed " means prescribed by rules made by the Government under this Regulation.

Reference to time of day.

3. References to time of day in this Regulation are references to Indian Standard Time which is five and a half hours ahead of Greenwich Mean Time.

Seasonal Factories.

4. (1) For the purposes of this Regulation, a factory which is exclusively engaged in one or more of the following manufacturing processes, namely, cotton ginning, cotton pressing, the decortication of groundnuts, the manufacture of coffee, lac, rubber, sugar (including *gur*) or tea, or any manufacturing process which is incidental to or connected with any of the aforesaid processes, is a seasonal factory ;

Provided that the Government may, by notification in the official Gazette, declare any such factory in which manufacturing processes are ordinarily carried on for more than one hundred and eighty working days in the year, not to be a seasonal factory for the purposes of this Regulation.

(2) The Government may, by notification in the official Gazette, declare any specified factory in which manufacturing processes are ordinarily carried on for not more than one hundred and eighty working days in the year and cannot be carried on except during particular seasons or at times dependent on the irregular action of natural forces, to be a seasonal factory for the purposes of this Regulation.

Power to declare premises to be factories.

5. (1) Notwithstanding anything contained in clause (j) of section 2, the Government may, by notification in the official Gazette, declare any premises whereon or within the precincts whereof a manufacturing process is carried on, whether with or without the aid of power, and whereon or within the precincts whereof, on any one day of the twelve months preceding the notification, ten or more workers were employed, to be a factory for all or any of the purposes of this Regulation.

(2) A notification under sub-section (1) may be made in respect of any specified premises or class of premises.

(3) A notification under sub-section (1) shall cease to have effect in respect of any premises after the lapse of twelve months during which not more than nine workers were employed thereon on any day.

separate factories.

6. The Government may, by order in writing, direct that the different departments or branches of a specified factory shall be treated as separate factories for all or any of the purposes of this Regulation.

Power to exempt on a change in the factory.

7. Where the Government is satisfied that, following upon a change of occupier of a factory or in the manufacturing process carried on therein, the number of workers for the time being working in the factory is less than twenty and is not likely to be twenty or more on any day during the ensuing twelve months, it may, by order in writing, exempt such factory from the operation of this Regulation:

Provided that any exemption so granted shall cease to have effect on and after any day on which twenty or more workers work in the factory.

Power to exempt during public emergency.

8. In any case of public emergency, the Government may, by notification in the official Gazette, exempt any factory from any or all of the provisions of this Regulation for such periods as it may think fit.

Notice to Inspector before commencement of work.

9. (1) Before work is begun in any factory after the commencement of this Regulation, or before work is begun in any seasonal factory each season, the occupier shall send to the Inspector a written notice containing :—

(*a*) the name of the factory and its situation,

(*b*) the address to which communications relating to the factory should be sent,

(*c*) the nature of the manufacturing processes to be carried on in the factory,

(*d*) the nature and amount of the power to be used, and

(*e*) the name of the person who shall be the manager of the factory for the purposes of this Regulation.

(2) Whenever another person is appointed as manager, the occupier shall send to the Inspector a written notice of the change, within seven days from the date on which the new manager assumes charge.

(3) During any period for which no person has been designated as manager of a factory under this section, or during which the person designated does not manage the factory, any person found acting as manager, or, if no such person is found, the occupier himself, shall be deemed to be the manager of the factory for the purposes of this Regulation.

CHAPTER II.

The Inspecting Staff.

Inspectors.

10. (1) The Government may, by notification in the official Gazette, appoint such persons as it thinks fit to be Inspectors for the purposes of this Regulation within such local limits as it may assign to them respectively.

(2) The Government may, by notification as aforesaid, appoint any person to be a Chief Inspector, who shall,in addition to the powers conferred on a Chief Inspector under this Regulation, exercise the powers of an Inspector throughout the State.

(3) No person shall be appointed to be an Inspector under sub-section (1) or a Chief Inspector under sub-section (2) or, having been so appointed, shall continue to hold office, who is or becomes directly or indirecty interested in a factory or in any process or business

carried on therein or in any patent or machinery connected therewith.

(4) Every District Magistrate shall be an Inspector for his district.

(5) The Government may also, by notification as aforesaid, appoint such public officers as it thinks fit to be additional Inspectors for all or any of the purposes of this Regulation, within such local limits as it may assign to them respectively.

(6) In any area where there are more Inspectors than one, the Government may, by notification as aforesaid, declare the powers which such Inspectors shall respectively exercise, and the Inspector to whom the prescribed notices are to be sent.

(7) Every Chief Inspector and Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code, as in force in Mysore and shall be officially subordinate to such authority as the Government may specify in this behalf.

11. Subject to any rules made by the Government in this behalf, an Inspector may, within the local limits for which he is appointed,—

(*a*) enter with such assistants (if any), being persons in the employment of the Government or of any municipal or other public authority as he thinks fit, any place which is, or which he has reason to believe to be, used as a factory or capable of being declared to be a factory under the provisions of section 5;

(*b*) make such examination of the premises and plant and of any prescribed registers and take on the spot or otherwise such evidence of any persons as he may deem necessary for carrying out the purposes of this Regulation; and

(*c*) exercise such other powers as may be necessary for carrying out the purposes of this Regulation :

Provided that no one shall be required under this section to answer any question or give any evidence tending to criminate himself.

12. (1) The Government may appoint such registered medical practitioners as it thinks fit to be certifying surgeons for the purposes of this Regulation within such local limits as it may assign to them respectively.

(2) A certifying surgeon may authorise any

registered medical practitioner to exercise any of his powers under this Regulation :

Provided that a certificate of fitness for employment granted by such authorised practitioner shall be valid for a period of three months only, unless it is confirmed by the certifying surgeon himself after examination of the person concerned.

Explanation.—In this section a "registered medical practitioner" means any person registered under the Mysore Medical Registration Regulation of 1931. V of 1921.

CHAPTER III.

HEALTH AND SAFETY.

Cleanliness.

13. Every factory shall be kept clean and free from effluvia arising from any drain, privy or other nuisance, and shall be cleansed at such times and by such methods as may be prescribed and these methods may include lime-washing or colour-washing, painting, varnishing, disinfecting and deodorizing.

14. (1) Every factory shall be ventilated in accordance with such standards and by such methods as may be prescribed.

(2) Where gas, dust or other impurity is generated in the course of work, adequate measures shall be taken to prevent injury to the health of workers.

(3) If it appears to the Inspector that in any factory gas, dust or other impurity generated in the course of work is being inhaled by the workers to an injurious extent, and that such generation or inhalation could be prevented by the use of mechanical or other devices, he may serve on the manager of the factory an order in writing, directing that mechanical or other devices for preventing such generation or inhalation shall be provided before a specified date, and shall thereafter be maintained in good order and used throughout working hours.

(4) The Government may make rules for any class of factories requiring mechanical or other devices to be provided and maintained for preventing the generation or inhalation of gas, dust or other impurities, which may be injurious to workers and specifying the nature of such devices.

Artificial humidification.

15. (1) The Government may make rules

(*a*) prescribing standards for the cooling properties of the air in factories in which the humidity of the air is artificially increased;

(*b*) regulating the methods used for artificially increasing the humidity of the air; and

(*c*) directing prescribed tests for determining the humidity and cooling properties of the air to be carried out and recorded.

(2) In any factory in which the humidity of the air is artificially increased, the water used for the purpose shall be taken from a public supply or other source of drinking water, or shall be effectively purified before it is so used.

(3) If it appears to the Inspector that the water used in a factory for increasing humidity which is required to be effectively purified under sub-section (2) is not effectively purified, he may serve on the manager of the factory an order in writing, specifying the measures which in his opinion should be adopted, and requiring them to be carried out before a specified date.

16. If it appears to the Chief Inspector or to an Inspector specially authorised in this behalf by the Government that the cooling properties of the air in any factory are at times insufficient to secure workers against injury to health or against serious discomfort, and that they can be to a great extent increased by measures which will not involve an amount of expense which is unreasonable in the circumstances, the Chief Inspector may serve on the manager of the factory an order in writing, specifying the measures which in his opinion should be adopted and requiring them to be carried out before a specified date.

Overcrowding

17. In order that no room in a factory shall be crowded during working hours to a dangerous extent or to an extent which may be injurious to the health of the workers, the proportion which the number of cubic feet of space in a room and the number of superficial feet of its floor area bears to the number of workers working at any time therein shall not be less than such standards as may be prescribed either generally or for the particular class of work carried on in the room.

Lighting.

18. (1) A factory shall be sufficiently lighted during all working hours.

(2) If it appears to the Inspector that any factory is not sufficiently lighted, he may serve on the manager of the factory an order in writing, specifying the measures which in his opinion should be adopted, and requiring them to be carried out before a specified date.

(3) The Government may make rules requiring that all factories of specified classes shall be lighted in accordance with prescribed standards.

Water.

19. (1) In every factory a sufficient supply of water fit for drinking shall be provided for the workers at suitable places.

(2) The supply required by sub-section (1) shall comply with such standards as may be prescribed.

(3) In every factory in which any process involving contact by the workers with injurious or abnoxious substances is carried on, a sufficient supply of water suitable for washing shall be provided for the use of workers, at suitable places and with facilities for its use, according to such standards as may be prescribed.

Latrines and urinals.

20. For every factory sufficient latrines and urinals, according to the prescribed standards shall be provided, for male workers and for female workers separately, of suitable patterns and at convenient places as prescribed, and shall be kept in a clean and sanitary condition during all working hours.

Doors to open outwards.

21. In every factory the doors of each room in which more than twenty persons are employed shall except in the case of sliding doors, be constructed so as to open outwards, or, where the door is between two rooms, in the direction of the nearest exit from the building, and no such door shall be locked or obstructed while any work is being carried on in the room.

Precautions against fire.

22. In every factory such precautions against fire shall be taken as may be prescribed.

Means of escape

23. (1) Every factory shall be provided with such means of escape in case of fire as can reasonably be required in the circumstances of each factory.

(2) If it appears to the Inspector that any factory is not so provided, he may serve on the manager of the factory an order in writing, specifying the measures which in his opinion should be adopted, and requiring them to be carried out before a specified date.

(3) The means of escape shall not be obstructed while any work is being carried on in the factory.

Fencing.

24. (1) In every factory the following shall be kept adequately fenced, namely:—

(*a*) every exposed moving part of a prime mover and every flywheel directly connected to a prime mover,

(*b*) every hoist or lift, hoist-well or lift well and every trap-door or similar opening near which any person may have to work or pass, and

(*c*) every part of the machinery which the Government may prescribe to be kept fenced.

(2) If it appears to the Inspector that any other part of the machinery in a factory is dangerous if not adequately fenced, he may serve on the manager of the factory an order in writing, specifying the measures which in his opinion should be adopted, and requiring them to be carried out before a specified date.

(3) All fencing required by or under this section or under sub-section (1) of section 26 shall be maintained in an efficient state at all times when the workers have access to the parts required to be fenced except where they are under repair or are under examination in connection with repair or are necessarily exposed for the purpose of cleaning or lubricating or altering the gearing or arrangements of the machinery.

(4) Such further provisions as may be prescribed shall be made for the protection from danger of persons employed in attending to the machinery in a factory.

Power to require specifications of defective parts or tests of stability.

25. If it appears to the Inspector that any building or part of a building or any part of the ways, machinery or plant in a factory is in such a condition that it may be dangerous to human life or safety, he may serve on the manager of the factory an order in writing requiring him before a specified date—

(*a*) to furnish such drawings, specifications and other particulars as may be necessary to determine whether such building, ways, machinery or plant can be used with safety, or

(*b*) to carry out such tests as may be necessary to determine the strength or quality of any specified parts and to inform the Inspector of the results thereof.

Safety of buildings and machinery.

26. (1) If it appears to the Inspector that any building or part of a building or any part of the ways, machinery or plant in a factory is in such a condition that it is dangerous to human life or safety, he may serve on the manager of the factory an order in writing specifying

the measures which in his opinion should be adopted, and requiring them to be carried out before a specified date.

(2) If it appears to the Inspector that the use of any building, or part of a building, or of any part of the ways, machinery or plant in a factory involves imminent danger to human life or safety, he may serve on the manager of the factory an order in writing prohibiting its use until it has been properly repaired or altered.

Restrictions on work near machinery in motion.

27. (1) No woman or child shall be allowed to clean or oil any part of the machinery of a factory while that part is in motion under power, or to work between moving parts or between fixed and moving parts of any machinery which is in motion under power.

(2) The Government may, by notification in the official Gazette, prohibit, in any specified factory or class of factories, the cleaning or oiling by any person of specified parts of machinery when these parts are in motion under power.

Power to exclude children.

28 (1) The Government may make rules prohibiting the admission to any specified class of factories, or to specified parts thereof, of children who cannot be lawfully employed therein.

(2) If it appears to the Inspector that the presence in any factory or part of a factory of children who cannot be lawfully employed therein may be dangerous to them or injurious to their health, he may serve on the manager of the factory an order in writing directing him to prevent the admission of such children to the factory or any part of it.

Prohibition of employment of women and children near cotton-openers.

29. No woman or child shall be employed in any part of a factory for pressing cotton in which a cotton-opener is at work;

Provided that, if the feed-end of a cotton-opener is in a room separated from the delivery end by a partition extending to the roof, or to such height as the Inspector may in any particular case specify in writing, women and children may be employed on the side of the partition where the feed-end is situated.

Notice of certain accidents.

30. Where in any factory an accident occurs which causes death, or which causes any bodily injury whereby any person injured is prevented from resuming his work in the factory during the forty-eight hours after the accident occurred, or which is of any nature which may be prescribed in this behalf, the manager of the factory shall send

notice thereof to such authorities, and in such form, and within such time, as may be prescribed.

31. (1) The manager of a factory on whom an order in writing by an Inspector has been served under the provisions of this Chapter, or the occupier of the factory, may, within thirty days of the service of the order, appeal against it to the Government, or to such authority as the Government may appoint in this behalf; and the Government or appointed authority may, subject to rules made in this behalf by the Government, confirm, modify or reverse the order.

(2) The appellate authority may, and if so required in the petition or appeal shall, hear the appeal with the aid of assessors, one of whom shall be appointed by the appellate authority and the other by such body representing the industry concerned as the Government may prescribe in this behalf:

Provided that if no assessor is appointed by such body, or if the assessor so appointed fails to attend at the time and place fixed for hearing the appeal, the appellate authority may, unless satisfied that the failure to attend is due to sufficient cause, proceed to hear the appeal without the aid of such assessor, or, if it thinks fit, without the aid of any assessor.

(3) In the case of an appeal against an order under section 16 the appellate authority shall, and in any other case except an appeal against an order under sub-section (2) of section 26 or sub-section (2) of section 28 the appellate authority may, suspend the order appealed against pending the decision of the appeal, subject however to such conditions as to partial compliance or the adoption of temporary measures as it may choose to impose in any case.

Power of Government to make rules to supplement this Chapter.

2. The Government may make rules—

(a) providing for any matter which according to any of the provisions of this Chapter, is or may be prescribed;

(b) requiring the managers of factories to maintain stores of first-aid appliances and provide for their proper custody;

(c) providing against danger arising from the use of mechanical transport in factories, other than railways subject to the Mysore Railways Regulation, 1894

(*d*) prescribing the manner of the service of orders under this Chapter on managers of factories; IV of 1894.

(*e*) regulating the procedure to be followed in presenting and hearing appeals under section 31, and the appointment and remuneration of assessors;

(*f*) regulating the exercise by Inspectors of their powers under this Chapter; and

(*g*) providing for any other matter which may be expedient in order to give effect to the provisions of this Chapter.

Additional power to make health and safety rules relating to—

shelters during rest,—

33. (1) The Government may make rules requiring that in any specified factory, wherein more than one hundred and fifty workers are ordinarily employed, an adequate shelter shall be provided for the use of workers during periods of rest, and such rules may prescribe the standards of such shelters.

rooms for children,—

(2) The Government may also make rules—

(*a*) requiring that in any specified factory, wherein more than fifty women workers are ordinarily employed, a suitable room shall be reserved for the use of children under the age of six years belonging to such women, and

(*b*) prescribing the standards for such room and the nature of the supervision to be exercised over the children therein.

certificates of stability,—

(3) The Government may also make rules, for any class of factories and for the whole or any part of the State, requiring that work on a manufacturing process carried on with the aid of power shall not be begun in any building or part of a building erected or taken into use as a factory after the commencement of this Regulation until a certificate of stability in the prescribed form, signed by a person possessing the prescribed qualifications, has been sent to the Inspector.

hazardous operations.

(4) Where the Government is satisfied that any operation in a factory exposes any person employed upon it to a serious risk of bodily injury, poisoning or disease, it may make rules applicable to any factory or class of factories in which the operation is carried on—

(*a*) specifying the operation and declaring it to be hazardous,

(*b*) prohibiting or restricting the employment of women, adolescents or children upon the operation,

(*c*) providing for the medical examination of persons employed or seeking to be employed upon the operation and prohibiting the employment of persons not certified as fit for such employment, and

(*d*) providing for the protection of all persons employed upon the operation or in the vicinity of the place where it is carried on.

CHAPTER IV

RESTRICTIONS ON WORKING HOURS OF ADULTS.

hou

34. No adult worker shall be allowed to work in a factory for more than fifty-four hours in any week, or, where the factory is a seasonal one, for more than sixty hours in any week:

Provided that an adult in a non-seasonal factory engaged in work which for technical reasons must be continuous throughout the day may work for fifty-six hours in any week.

Weekly holidays.

35. (1) No adult worker shall be allow to work in a factory on a Sunday unless—

(*a*) he has had or will have a holiday for a whole day on one of the three days immediately before or after that Sunday, and

(*b*) the manager of the factory has, before that Sunday or the substituted day, whichever is earlier,—

(i) delivered a notice to the office of the Inspector of his intention to require the worker to work on the Sunday and of the day which is to be substituted, and

(ii) displayed a notice to that effect in the factory

Provided that no substitution shall be made which will result in any worker working for more than ten days consecutively without a holiday for a whole day.

(2) Notices given under sub-section (1) may be cancelled by a notice delivered to the office of the Inspector and a notice displayed in the factory not later than the day before the Sunday or the holiday to be cancelled, whichever is earlier.

(3) Where, in accordance with the provisions of sub-section (1), any worker works on a Sunday and has had a holiday on one of the three days immediately before it, that Sunday shall, for the purpose of calculating his weekly hours of work, be included in the preceding week.

Daily hours.

36. No adult worker shall be allowed to work in a factory for more than ten hours in any day :

Provided that a male adult worker in a seasonal factory may work for eleven hours in any day.

Intervals for rest.

37. The periods of work of adult workers in a factory during each day shall be fixed either—

(*a*) so that no period shall exceed six hours, and so that no worker shall work for more than six hours before he has had an interval for rest of at least one hour; or

(*b*) so that no period shall exceed five hours and so that no worker shall work for more than five hours before he has had an interval for rest of at least half an hour, or for more than eight and a half hours before he has had at least two such intervals.

Spread over.

38. The periods of work of an adult worker in a factory shall be so arranged that, along with his intervals for rest under section 37, they shall not spread over more than thirteen hours in any day, save with the permission of the Government and subject to such conditions as it may impose, either generally or in the case of any particular factory.

Notice of Periods for Work for Adults and preparation thereof.

39. There shall be displayed and correctly maintained in every factory in accordance with the provisions of sub-section (2) of section 76, a Notice of Periods for Work for Adults showing clearly the periods within which adult workers may be required to work.

(2) The periods shown in the Notice required by sub-section (1) shall be fixed beforehand in accordance with the following provisions of this section and shall be such that workers working for those periods would not be working in contravention of any of the provisions of sections 34, 35, 36, 37 and 38.

(3) Where all the adult workers in a factory are required to work within the same periods, the manager of the factory shall fix those periods for such workers generally.

(4) Where all the adult workers in a factory are not required to work within the same periods, the manager

of the factory shall classify them into groups according to the nature of their work.

(5) For each group which is not required to work on a system of shifts, the manager of the factory shall fix the periods within which the group may be required to work

(6) Where any group is required to work on a system of shifts and the relays are not to be subject to predetermined periodical changes of shift, the manager of the factory shall fix the periods within which each relay of the group may be required to work.

(7) Where any group is to work on a system of shifts and the relays are to be subject to predetermined periodical changes of shifts, the manager of the factory shall draw up a scheme of shifts whereunder the periods within which any relay of the group may be required to work and the relay which will be working at any time of the day shall be known for any day.

(8) The Government may make rules prescribing forms for the Notice of Periods for Work for Adults and the manner in which it shall be maintained.

Notice of Periods for Work to be sent to Inspector.

40. (1) A copy of the Notice referred to in sub-section (1) of section 39 shall be sent in duplicate to the Inspector within fourteen days after the commencement of this Regulation or, if the factory begins work after the commencement of this Regulation, before the day on which it begins work.

(2) Any proposed change in the system of work in a factory which will necessitate a change in the Notice shall be notified to the Inspector in duplicate before the change is made, and, except with the previous sanction of the Inspector, no such change shall be made until one week has elapsed since the last change.

Register of Adult Workers.

41. (1) The manager of every factory shall maintain a Register of Adult Workers showing—

(*a*) the name of each adult worker in the factory,

(*b*) the nature of his work,

(*c*) the group, if any, in which he is included,

(*d*) where his group works on shifts, the relay to which he is allotted, and

(*e*) such other particulars as may be prescribed

Provided that, if the Inspector is of opinion that any muster roll or register maintained as part of the routine of a factory gives in respect of any or all of the workers

in the factory the particulars required under this section, he may, by order in writing, direct that such muster roll or register shall to the corresponding extent be maintained in place of and be treated as the Register of Adult Workers in that factory:

Provided further that, where the Government is satisfied that the conditions of work in any factory or class of factories are such that there is no appreciable risk of contravention of the provisions of this Chapter in the case of that factory or factories of that class as the case may be, the Government may, by written order, exempt, on such conditions as it may impose, that factory or all factories of that class, as the case may be, from the provisions of this section.

(2) The Government may make rules prescribing the form of the Register of Adult Workers, the manner in which it shall be maintained and the period for which it shall be preserved.

Hours of work to correspond with Notice under section 39 and Register under section 41.

42. No adult worker shall be allowed to work otherwise than in accordance with the Notice of Periods for Work for Adults displayed under sub-section (1) of section 39 and the entries made beforehand against his name in the Register of Adult Workers maintained under section 41.

Power to make rules exempting from restrictions.

43. (1) The Government may make rules defining the persons who hold positions of supervision or management or are employed in a confidential position in a factory, and the provisions of this Chapter shall not apply to any person so defined.

other than the provisions of clause (b) of sub-section (1) of section 45 and the proviso to that sub-section

(2) The Government may make rules for adult workers providing for the exemption, to such extent and subject to such conditions, as may be prescribed in such rules —

(*a*) of workers engaged on urgent repairs—from the provisions of sections 34, 35, 36, 37 and 38;

(*b*) of workers engaged in work in the nature of preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of the factory—from the provisions of sections 34, 36 37 and 38;

(*c*) of workers engaged in work which is necessarily so intermittent that the intervals during

which they do not work while on duty ordinarily amount to more than the intervals for rest required under section 37—from the provisions of sections 34, 36, 37 and 38;

(*d*) of workers engaged in any work which for technical reasons must be carried on continuously throughout the day from the provisions of sections 34, 35, 36, 37 and 38;

(*e*) of workers engaged in making or supplying articles of prime necessity which must be made or supplied every day from the provisions of section 35;

(*f*) of workers engaged in a manufacturing process which cannot be carried on except during fixed seasons from the provisions of section 35;

(*g*) of workers engaged in a manufacturing process which cannot be carried on except at times dependent on the irregular action of natural forces—from the provisions of section 35 and section 37; and

of workers engaged in engine-rooms or boiler-houses—from the provisions of section 35.

(3) Rules made under sub-section (2) providing for any exemption may also provide for any consequential exemption from the provisions of sections 39 and 40 which the Government may deem to be expedient, subject to such conditions as it may impose.

(4) In making rules under this section the Government shall prescribe the maximum limits for the weekly hours of work for all classes of workers, and any exemption given, other than an exemption under clause (*a*) of sub-section (2), shall be subject to such limits.

(5) Rules made under this section shall remain in force for not more than three years.

Power to make orders exempting from restrictions.

44. (1) Where the Government is satisfied that, owing to the nature of the work carried on or to other circumstances, it is unreasonable to require that the periods of work of any adult workers in any factory or class of factories should be fixed beforehand, it may, by written order, relax or modify the provisions of sections 39 and 40 in respect of such workers to such extent and in such manner as it may think fit, and subject to such conditions as it may deem expedient to ensure control over periods of work.

(2) The Government, or subject to the control of the Government the Chief Inspector, may, by written order, exempt, on such conditions as it or he may deem expedient, any or all of the adult workers in any factory, or group or class of factories, from any or all of the provisions of sections 34, 35, 36, 37, 38, 39 and 40, on the ground that the exemption is required to enable the factory or factories to deal with an exceptional press of work.

(3) Any exemption given under sub-section (2) in respect of weekly hours of work shall be subject to the maximum limits prescribed under sub-section (4) of section 43.

(4) An order under sub-section (2) shall remain in force for such period as it may specify, but in no case for more than two months from the date on which notice thereof is given to the manager of the factory.

Further restrictions on the employment of women.

45. The provisions of this Chapter shall, in their application to women workers in factories, be supplemented by the following further restrictions, namely :—

(*a*) no exemption from the provisions of section 36 may be granted in respect of any woman ; and

(*b*) no woman shall be allowed to work in a factory except between 6 A.M. and 7 P.M.

Provided that the Government may, by notification in the official Gazette, in respect of any class or classes of factories and for the whole year or any part of it, vary the limits laid down in clause (*b*) to any span of thirteen hours between 5 A.M. and 7~~-30~~ P.M.

Provided further that, in respect of any seasonal factory or class of seasonal factories in a specified area, the Government may make rules imposing a further restriction by defining the period or periods of the day, within which women may be allowed to work, such that the period or periods so defined shall lie within the span fixed by clause (*b*) or under the above proviso and shall not be less than ten hours in the aggregate.

Special provision for night shifts.

46. Where a worker works on a shift which extends over midnight, the ensuing day for him shall be deemed to be the period of twenty-four hours beginning when such shift ends, and the hours he has worked after midnight shall be counted towards the previous day.

Provided that the Government may, by order in writing, direct that in the case of any specified factory or any specified class of workers therein the ensuing day

shall be deemed to be the period of twenty-four hours beginning when such shift begins and that the hours worked before mid-night shall be counted towards the ensuing day.

Extra pay for Overtime.

47. (1) Where a worker in any factory works for more than sixty hours in any week,

or where a worker in a factory other than a seasonal factory works for more than ten hours in any day,

he shall be entitled in respect of the overtime worked to pay at the rate of one and a half times his ordinary rate of pay.

(2) Where a worker in a factory other than a seasonal factory works for more hours in any week than are permitted under section 34, he shall be entitled, in respect of the overtime worked excluding any overtime in respect of which he is entitled to extra pay under sub-section (1), to pay at the rate of one and a quarter times his ordinary rate of pay.

(3) Where any workers are paid on a piece rate basis, the Government in consultation with the industry concerned may for the purposes of this section fix time rates as nearly as possible equivalent to the average rate of earnings of those workers, and the rates so fixed shall be deemed to be the ordinary rates of pay of those workers for the purposes of this section.

(4) The Government may prescribe the registers which shall be maintained in a factory for the purpose of securing compliance with the provisions of this section.

Restriction on double employment.

48. No adult worker shall be allowed to work in any factory on any day on which he has already been working in any other factory, save in such circumstances as may be prescribed.

Control of overlapping shifts.

49. The Government may make rules providing that in any specified class or classes of factories work shall not be carried on by a system of shifts so arranged that more than one relay of workers is engaged in work of the same kind at the same time, save with the permission of the Government and subject to such conditions as it may impose, either generally or in the case of any particular factory.

CHAPTER V.

Special Provisions for Adolescents and Children.

Prohibition of employment of young children.

50. No child who has not completed his twelfth year shall be allowed to work in any factory.

Non-adult workers to carry tokens giving reference to certificates of fitness.

51. No child who has completed his twelfth year and no adolescent shall be allowed to work in any factory unless—

(*a*) a certificate of fitness granted to him under section 52 is in the custody of the manager of the factory, and

(*b*) he carries while he is at work a token giving a reference to such certificate.

Certificates of fitness.

52. (1) A certifying surgeon shall, on the application of any young person who wishes to work in a factory, or of the parent or guardian of such person, or of the manager of the factory in which such person wishes to work, examine such person and ascertain his fitness for such work.

(2) The certifying surgeon, after examination, may grant to such person, in the prescribed form —

(*a*) a certificate of fitness to work in a factory as a child, if he is satisfied that such person has completed his twelfth year, that he has attained the prescribed physical standards (if any), and that he is fit for such ; or

(*b*) a certificate of fitness to work in a factory as an adult, if he is satisfied that such person has completed his fifteenth year and is fit for a full day's work in a factory.

(3) A certifying surgeon may revoke any certificate granted under sub-section (2), if in his opinion, the holder of it is no longer fit to work in the capacity stated therein in a factory.

(4) Where a certifying surgeon or a practitioner authorised under sub-section (2) of section 12 refuses to grant a certificate or a certificate of the kind requested, or revokes a certificate, he shall, if so requested by any person who could have applied for the certificate, state his reasons in writing for so doing.

Effect of certificate granted to adolescent.

53. (1) An adolescent who has been granted a certificate of fitness to work in a factory as an adult, under clause (*b*) of sub-section (2) of section 52, and who,

while at work in a factory, carries a token giving reference to the certificate, shall be deemed to be an adult for all the purposes of Chapter IV.

(2) An adolescent who has not been granted a certificate of fitness to work in a factory as an adult under sub-section (2) of section 52, shall, notwithstanding his age, be deemed to be a child for the purposes of this Regulation.

Restrictions on the working hours of a child.

54. (1) No child shall be allowed to work in a factory for more than five hours in any day.

(2) The hours of work of a child shall be so arranged that they shall not spread over more than seven and a half hours in any day.

(3) No child shall be allowed to work in a factory except between 6 A.M. and 7 P.M.

Provided that the Government may, by notification in the official Gazette, in respect of any class or classes of factories and for the whole year or any part of it, vary these limits to any span of thirteen hours between 5 A.M. and 7~~30~~ P.M.

(4) The provisions of section 35 shall apply also to child workers, but no exemption from the provisions of that section may be granted in respect of any child.

(5) No child shall be allowed to work in any factory on any day on which he has already been working in another factory.

Notice of Periods for Work for Children.

55. (1) There shall be displayed and correctly maintained in every factory, in accordance with the provisions of sub-section (2) of section 76, a Notice of Periods for Work for Children, showing clearly the periods within which children may be required to work.

(2) The periods shown in the Notice required by sub-section (1) shall be fixed beforehand in accordance with the method laid down for adults in section 39 and shall be such that children working for those periods would not be working in contravention of section 54.

(3) The provisions of section 40 shall apply also to the Notice of Periods for Work for Children.

(4) The Government may make rules, prescribing forms for the Notice of Periods for Work for Children and the manner in which it shall be maintained.

Register of Child Workers.

56. (1) The manager of every factory in which children are employed shall maintain a Register of Child Workers showing—

(*a*) the name of each child worker in the factory,
(*b*) the nature of his work,
(*c*) the group, if any, in which he is included,
(*d*) where his group works on shifts, the relay to which he is allotted.
(*e*) the number of his certificate of fitness granted under section 52, and
(*f*) such other particulars, as may be prescribed.

(2) The Government may make rules prescribing the form of the Register of Child Workers, the manner in which it shall be maintained, and the period for which it shall be preserved.

Hours of work to correspond with Notice and Register.

57. No child shall be allowed to work otherwise than in accordance with the Notice of Periods for Work for Children displayed under sub-section (1) of section 55 and the entries made beforehand against his name in the Register of Child Workers maintained under sub-section (1) of section 56.

Power to require medical examination.

58. Where an Inspector is of opinion—

(*a*) that any person working in a factory without a certificate of fitness is a child or an adolescent, or

(*b*) that a child or adolescent working in a factory with a certificate is no longer fit to work in the capacity stated therein,

he may serve on the manager of the factory a notice requiring that such person, or that such child or adolescent, as the case may be, shall be examined by a certifying surgeon or by a practitioner authorised under sub-section (2) of section 12, and such person, child or adolescent shall not, if the Inspector so directs, be allowed to work in any factory until he has been so examined and has been granted a certificate of fitness or a fresh certificate of fitness, as the case may be.

Power to make rules.

59.(1)The Government may make rules—

(*a*) prescribing the forms of certificates of fitness to be granted under section 52, providing for the grant of duplicates in the event of loss of the original certificates, and fixing the fees which may be charged for such certificates and such duplicates ;

(*b*) prescribing the physical standards to be attained by children and adolescents;

(*c*) regulating the procedure of certifying surgeon under this Chapter, and specifying other duties which they

may be required to perform in connection with the employment of children and adolescents in factories; and

(*d*) providing for any other matter which may be expedient in order to give effect to the provisions of this

"59 (2) The Government may also make rules requiring that in any specified factory wherein more than fifty children are ordinarily employed, provision shall be made for the education of such children in such subjects and up to such standards as may be prescribed or approved by the Government.

(*ii*) of any order made under any of the said sections, or

(*iii*) of any of the said sections read with rules made in pursuance thereof under clause (a) of section 32, or

(*iv*) of any rule made under any of the said sections or under clause (*b*), clause (*c*), or clause (*g*) of section 32 or section 33, or

(*v*) of any condition imposed under sub-section (3) of section 31; or

(*b*) any person is allowed to work in contravention—

(*i*) of any of the provisions of sections 34 to 38 inclusive, 42, 45 and 48, or

(*ii*) of any rule made under any of the said sections, or under section 49, or

(*iii*) of any condition attached to any exemption granted under section 43 or section 44 or 45 or to any permission granted under section 38 or section 49, or

(*c*) there is any contravention of any of the provisions of sections 39 to 41 inclusive or of any rule made under section 39, section 41 or section 47, or of any condition attached to any exemption granted under section 41 or to any modification or relaxation made under section 44, or

(*d*) any person is not paid any extra pay to which he is entitled under the provisions of section 47, or

(*e*) any adolescent or child is allowed to work in contravention of any of the provisions of sections 50, 51, 54, 55, 57 and 58, or

(*f*) there is any contravention of section 55 or section 56 or of any rules made under either of these sections, or under clause (*d*) of section 59,

the manager and occupier of the factory shall each be punishable with fine which may extend to five hundred rupees:

Provided that if both the manager and the [illegible] of clause 60.

a[illegible] "or (*g*) there is any contravention of any rules re[illegible] made under sub-section (2) of section 59, ".

a[illegible] [illegible] the Bill we do not

Enhanced penalty in certain cases after previous conviction.

61. If any person who has been convicted of any offence punishable under clauses (*b*) to (*f*) inclusive of section 60 is again guilty of an offence involing a contravention of the same provision, he shall be punishable on the second conviction with fine which may extend to seven hundred and fifty rupees and shall not be less than one hundred rupees, and if he is again so guilty, shall be punishable on the third or any subsequent conviction with fine which may extend to one thousand rupees and shall not be less than two hundred and fifty rupees:

Provided that for the purposes of this section no cognizance shall be taken of any conviction made more than two years before the commission of the offence which is being punished:

Provided further that the Court, if it is satisfied that there are exceptional circumstances warranting such a course, may, after recording its reasons in writing, impose a smaller fine than is required by this section.

Penalty for failure to give notice of commencement of work or of change of manager.

62. An occupier of a factory who fails to give any notice required by sub-section (1) or sub-section (2) of section 9 shall be punishable with fine which may extend to five hundred rupees.

Penalty for obstructing Inspector.

63. Whoever wilfully obstructs an Inspector in the exercise of any power under section 11, or fails to produce on demand by an Inspector any registers or other documents in his custody kept in pursuance of this Regulation or of any of the rules made thereunder, or conceals or prevents any worker in a factory from appearing before or being examined by an Inspector, shall be punishable with fine which may extend to five hundred rupees.

Penalty for failure to give notice of accidents.

64. A manager of a factory who fails to give notice of an accident, as required under section 30, shall be punishable with fine which may extend to five hundred rupees.

Penalty f failure to make returns.

65. If in respect of any factory any return is not furnished as required under section 77, the manager and the occupier of the factory shall each be liable to fine which may extend to five hundred rupees.

Provided that if both the manager and the occupier are convicted, the aggregate of the fines inflicted shall not exceed this amount

Penalty for smoking or using naked light in vicinity of inflammable material.

66. Whoever smokes, or uses a naked light or causes or permits any such light to be used in the vicinity of any inflammable material in a factory shall be punishable with fine which may extend to five hundred rupees.

Exception.—This provision does not extend to the use, in accordance with such precautions as may be prescribed, of a naked light in the course of a manufacturing process.

Penalty for using false certificate.

67. Whoever knowingly uses or attempts to use, as a certificate granted to himself under section 52, a certificate granted to another person under that section, or who, having procured such a certificate, knowingly allows it to be used, or an attempt to use it to be made, by another person shall be punishable with fine which may extend to twenty rupees.

Penalty on guardian for permitting double employment of a child.

68. If a child works in a factory on any day on which he has already been working in another factory, the parent or guardian of the child or the person having custody of or control over him, or obtaining any direct benefit from his wages, shall be punishable with fine which may extend to twenty rupees, unless it appears to the Court that the child so worked without the consent, connivance or wilful default of such parent, guardian or person.

Penatly for failure to display certain notices.

69. A manager of a factory who fails to display the notice required under sub-section (1) of section 76 or by any rule made under this Regulation or to display or maintain any such notice as required by sub-section (2) of that section, shall be punishable with fine which may extend to five hundred rupees.

Determination of "occupier" for purposes of this Chapter.

70. (1) Where the occupier of a factory is a firm or other association of individuals, any one of the individual partners or members thereof may be prosecuted and punished under this Chapter for any offence for which the occupier of the factory is punishable.

Provided that the firm or association may give notice to the Inspector that it has nominated one of its members

who is resident in Mysore to be the occupier of the factory for the purposes of this Chapter, and such individual shall so long as he is so resident be deemed to be the occupier for the purposes of this Chapter until further notice cancelling his nomination is received by the Inspector or until he ceases to be a partner or member of the firm or association.

(2) Where the occupier of a factory is a company, any one of the directors thereof, or, in the case of a private company, any one of the shareholders thereof, may be prosecuted and punished under this Chapter for any offence for which the occupier of the factory is punishable.

Provided that the company may give notice to the Inspector that it has nominated a director, or in the case of a private company, a shareholder, who is resident in either case in Mysore to be the occupier of the factory for the purposes of this Chapter, and such director or shareholder shall so long as he is so resident be deemed to be the occupier of the factory for the purposes of this Chapter until further notice cancelling his nomination is received by the Inspector or until he ceases to be a director or shareholder.

71. (1) Where the occupier or manager of a factory is charged with an offence against this Regulation he shall be entitled upon complaint duly made by him to have any other person whom he charges as the actual offender brought before the Court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the occupier or manager of the factory proves to the satisfaction of the Court—

(*a*) that he has used due diligence to enforce the execution of this Regulation, and

(*b*) that the said other person committed the offence in question without his knowledge, consent or connivance,

that other person shall be convicted of the offence and shall be liable to the like fine as if he were the occupier or manager, and the occupier or manager shall be discharged from any liability under this Regulation.

(2) When it is made to appear to the satisfaction of the Inspector at any time prior to the institution of the proceedings:—

(*a*) that the occupier or manager of the factory has used all due diligence to enforce the execution of this Regulation, and

(*b*) by what person the offence has been committed, and

(*c*) that it has been committed without the knowledge, consent or connivance of the occupier or manager, and in contravention of his orders,

the Inspector shall proceed against the person whom he believes to be the actual offender without first proceeding against the occupier or manager of the factory, and such person shall be liable to the like fine as if he were the occupier or manager.

as to employment.

72. If a child over the age of six years is found inside any part of a factory in which children are working, he shall, until the contrary is proved, be deemed to be working in the factory.

Evidence as to age.

1) When an act or omission would, if a person were under or over a certain age, be an offence punishable under this Regulation and such person is in the opinion of the Court apparently under or over such age, the burden shall be on the accused to prove that such person is not under or over such age.

2) A declaration in writing by a certifying surgeon relating to a worker that he has personally examined him and believes him to be under or over the age set-forth in such declaration shall, for the purposes of this Regulation, be admissible as evidence of the age of that worker.

Cognizance of offences.

74. (1) No prosecution under this Regulation, except a prosecution under section 66, shall be instituted except by or with the previous sanction of the Inspector.

2) No Court inferior to that of a Magistrate of the first class shall try any offence against this Regulation or any rule or order made thereunder, other than an offence under section 66 or section 67.

Limitation of prosecutions.

75. No Court shall take cognizance of any offence under this Regulation or any rule or order thereunder, other than an offence under section 62 or section 64, unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed

Provided that when the offence consists of disobeying a written order made by an Inspector, complaint thereof may be made within twelve months of the date on which the offence is alleged to have been committed.

CHAPTER VII.

SUPPLEMENTAL.

Display of factory notices.

76. (1) In addition to the notices required to be displayed in any factory by this Regulation or the rules made thereunder, there shall be displayed in every factory a notice containing such abstracts of this Regulation and of the rules made thereunder, in English and in the vernacular of the majority of the workers, as the Government may prescribe.

(2) All notices required to be displayed in a factory shall be displayed at some conspicuous place at or near the main entrance to the factory, and shall be maintained in a clean and legible condition.

Power of Government to make rules.

77. The Government may make rules requiring occupiers or managers of factories to submit such returns, occasional or periodical, as may in its opinion be required for the purposes of this Regulation.

Publication of rules.

78. (1) All rules made under this Regulation shall be subject to the condition of previous publication, and the date to be specified under clause (3) of section 23 of the General Clauses Regulation 1899 shall not be less than three months from the date on which the draft of the proposed rules was published.

(2) All such rules shall be published in the official Gazette and shall, unless some later date is appointed, come into force on the date of such publication.

Application to Government factories.

79. This Regulation shall apply to factories belonging to the Government.

Protection to persons acting under this Regulation.

80. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Regulation.

Repeal and savings.

81. The enactments mentioned in the Schedule are hereby repealed to the extent specified in the fourth column thereof.

Provided that anything done under the said enactments which could have been done under this Regulation if it had then been in force shall be deemed to have been done under this Regulation.

The Schedule.

ENACTMENTS REPEALED.

(*See section 81.*)

Year	No.	Short Title	Extent of repeal
1914	III	The Mysore Factories Regulation	The whole
1925	VI	The Mysore Factories (Amendment) Regulation	

Statement of Objects and Reasons.

The Mysore Factories Regulation was passed in 1914 and was based on the Indian Factories Act of 1911. The Indian Act was amended in 1922 and the Regulation in Mysore was amended accordingly in 1925. Since then however, the Indian Act has undergone modifications in 1923, 1926 and 1931. The question of amending the Mysore Regulation on the lines of the Indian Act has been under consideration for some years past. When in 1929 the Royal Commission on Labour was appointed in British India, it was considered desirable to await its recommendations before taking action to amend the law in Mysore. The Royal Commission made a number of recommendations for the amendment of the Indian Act and these were published with their Report in July 1931. After examining these in detail, the Government of India drafted a Bill to replace the Factories Act then in force. The Bill embodied a great majority of the more important recommendations of the Royal Commission with such further alterations that experience has shown to be desirable. The opportunity was also taken to rearrange the Law on the subject, and to revise its expression wherever necessary. The Bill was introduced in the Indian Legislature in 1933, and was passed into law as the Indian Factories Act, XXV of 1934, in last August, and came into force from 1st January 1935.

Government consider that the time has come for the amendment of the Law relating to labour in factories in Mysore on the lines of the Indian Act.

The Board of Industries and Commerce who were consulted in the matter are of opinion that the amendments may be adopted and the Regulation brought into line with the Indian Factories Act. The present Bill has accordingly been framed closely on the lines of the Indian Act with the necessary alterations to suit the conditions in Mysore.

The substantial changes made in the present Law are explained in the Notes on clauses. Nearly all the more important alterations are based on the recommendations of the Royal Commission. This Bill when passed into law will supersede the Mysore Factories Regulation of 1914, as amended in 1925.

NOTES ON CLAUSES.

(In these Notes "Section" denotes a section of the present Regulation.)

Clause 2.—The definitions have been generally revised and supplemented making them accurate and exhaustive and those defining the manufacturing process and determining when a person is employed have been simplified. The definition of "factory" has been modified so as to cover those establishments which, although they employ more than 20 persons in the day, do not employ that number simultaneously.

Clause 3.—This clause is desirable in view of the general acceptance of standard time.

Clause 4.—The Labour Commission recommended differential treatment for seasonal and non-seasonal factories in the matter of adult hours and in other respects. This clause is based on their recommendations.

Clause 5.—This clause reproduces the provision contained in section 2 (3) empowering the Government to bring workshops not using power and the smaller power-factories within the scope of the Regulation; but certain changes have been made. It is proposed that the Government should be empowered to apply the Regulation to workshops in full or in part. At present they have no choice between applying the whole of the Regulation or none in such cases. Provision has been made in sub-clause (2) for the notification of classes of premises, where necessary, and

sub-clause (3) is designed to ensure that a notification o the Government does not remain in force after the conditions justifying its issue have ceased to apply.

Clause 6.—Reproduces in substance section 52; but it is proposed that notifications should be limited to specified factories as there is no occasion for notifications applicable to classes of factories.

Clause 7.—This is a new clause designed to enable the Government to exempt from the Regulation premises which by reason of a change in their use should no longer be treated as factories.

Clause 8.—Cf. section 54.

Clause 9.—Cf. section 33.

Clauses 10 *and* 11.—Cf. sections 4 and 5. A provision has been added for the appointment of a Chief Inspector.

Clause 12.—Sub-clause (1) reproduces sections 6 and 8, providing that only registered medical practitioners may be appointed as certifying surgeons.

Clause 13.—This combines the provisions of sections 9 (a) and 37 (2) (e).

Clause 14.—Sub-clauses (1) and (2) are based on section 9 (*c*) and section 37 (2) (*g*), while sub-clause (3) is based on section 10. Sub-clause (4) is designed to enable the Government to do by rules for classes of factories what Inspectors under sub-clause (3) can do by orders for single factories.

Clause 15, *sub-clause* (1).—Section (9) (*d*) at present requires that the atmosphere shall not be rendered so humid by artificial means as to be injurious to the health of the workers, and section 37 (2) (*g*) gives the Government power to prescribe standards of artificial humidification and the methods to be adopted to secure their observance. It is now established that humidity, by itself, affords no measure of the degree of danger or discomfort; the cooling power, a factor dependent on the temperature, the humidity and the movement of the air, is a much more reliable criterion. Moreover, the Labour Commission has called attention to the fact that the existing law gives inadequate power to protect the worker from acute discomfort. It is therefore proposed to omit the prohibition of excessive humidity and, in sub-clause (1), to enable the Government to prescribe standards of cooling power, in place of standards of humidification, and to regulate the methods

used for artificial humidification. Sub-clauses (2) and (3) reproduce the substance of section 12.

Clause 16.—This is based on a recommendation of the Labour Commission who give in their report the previous history of the Legislative proposals for protecting workers against the effects of excessive heat.

Clause 17.—This combines the provisions of section 9 (*b*) and section 37 (2) (*f*) with an addition enabling the Government to prescribe standards of floor space either generally or for a particular class of work.

Clause 18.—Sub-clauses (1) and (2) re produce the substance of section 11. In sub-clause (3) it is proposed to enable the Government to prescribe standards of lighting by rule for particular classes of factories.

Clause 19.—Sub-clauses (1) and (2) re produce sections 14 and 37 (2) (i). Sub-clause (3) is new and is based on a recommendation of the Labour Commission.

Caluse 20.—This combines sections 13 and 37 (2)(h). The proviso to the former section has been omitted in accordance with a recommendation of the Labour Commission.

Clause 21.—Cf. section 15. The maximum number of persons who may occupy a room in which the doors open inwards has been reduced to 20 and the saving in favour of factories erected before 1914 has been omitted.

Clause 22.—This is new prescribing precautions against fire.

Clause 23.—Cf. Section 16.

Clause 24.—Cf. Section 18.

Clauses 25 *and* 26.—Inspectors have already power under section 18A, which is substantially reproduced in clause 26, to issue orders requiring action to be taken where the machinery or plant has become dangerous and prohibiting the use of dangerous machinery or plant pending repairs in cases of necessity. But an Inspector may have reason to fear that the use of certain machinery or plant involves danger without having sufficient data to warrant him in issuing definite orders requiring its alteration or repair. Clause 25, embodying a recommendation of the Labour Commission, has therefore been added to enable Inspectors to secure the requisite information when necessary. See also clause 33 (3).

Clause 27.—This is based on section 19; but it is proposed to extend to the oiling of machinery the prohi-

bition which at present applies to the cleaning of machinery, and to extend it to work done between moving parts as well as between fixed and moving parts.

Clause 28.—Sub-clause (2) reproduces the substance of section 19 A. In sub-clause (1) it is proposed to give the Government general powers to exclude non-working children with a view to their protection.

Clause 29 reproduces section 20.

Clause 30.—This reproduces section 34 with a small amendment to secure that notices are given not only of accidents resulting in death or serious injury, but also of those in which the injury is of any nature which may be prescribed in this behalf.

Clause 31.—This is based on section 50. The period for an appeal has been extended to 30 days.

Clause 33.—Sub-clause (3) is based on a recommendation of the Labour Commission, and is designed, along with the provisions of clauses 25 and 26, to protect workers against dangers arising from the use for factory purposes of unstable buildings. It is limited to factories erected or taken into use after this provision comes into force.

Sub-clause (4) is designed to enable the Government to secure the protection of the worker against special hazards arising from the use of particular processes. The present Regulation already contains in section 19 B and the Schedule provisions designed to protect women and young persons against dangers from lead poisoning, and section 38 A confers on the Government power to make rules for the disinfection of wool which may be infected with anthrax spores. But with the constant elaboration of factory processes, the provisions of the existing Regulation are considered inadequate; and the steady accumula tion of knowledge of the best methods for protection against dangers due to special processes render it desirable that Government should be able to make and to modify, from time to time, the necessary regulations.

Clause 34.—The main part of the clause embodies the recommendation of the majority of the Labour Commission for the reduction of weekly adult hours in non-seasonal factories to 54. The limit for seasonal factories is retained at 60 hours. In the proviso a special exception is made in favour of factories where the

processes must go on throughout the day, such as factories providing electric power and light, water works, etc.

Clause 35.—Cf. section 22. Sub-clause (2) providing for the cancellation of notices on the part of the employer is new.

Clause 36.—The majority of the Labour Commission proposed to reduce the hours for adult work in non-seasonal factories from 11 to 10. This has been embodied in the clause and it is proposed to apply a similar reduction to women workers in seasonal factories.

Clause 37.—This is based on section 21, but certain changes have been made. That section is defective in that, where two intervals of half an hour are given, a manager who closes his factory before the second interval is due infringes the law. In addition, the present law makes the request of the employees concerned necessary before the rest interval can be split up into two half hours. It is proposed to remove these defects. With a short working day, it is better that the extra half hour should be spent in the worker's home than in the precincts of the factory, and this applies with, if anything, more force to women than to men. Section 51 which allowed in certain circumstances unexpected interruptions of work to count as intervals has been omitted.

Clause 38.—This is based on a recommendation of the Labour Commission and is designed to require the hours of work being so arranged that the worker gets a reasonably long period away from the factory on each day.

Clauses 39 *and* 40.—These are based on sections 26 and 36. Opportunity has been taken, by inserting separate sub-sections relating to the various methods by which factory hours are arranged, to make it clear that hours need not be fixed separately for each individual worker. It is provided that notice of periods of work for adults should be sent to the Inspector, before the factory begins work; in order to prevent the evasion of the Regulation, it is proposed to provide that changes should be notified to the Inspector, before they are made, and that his previous sanction should be required if a change has to be made within a week of the previous change.

Clause 41.—Sub-clause (1) is based on section 35, but the main part of the clause has been remodelled.

Sub-clause (2) is based on section 37 (2) (*l*); the addition relating to the preservation of the register is new.

Clause 42.—This clause is new.

Clause 43.—Sub-clause (1) is based on section 29. Sub-clause (2) is based on sections 30 (1) and 30 (3) and 32. The main change proposed is that these exemptions should in future be made by rules under the Regulation and not merely by notification. In addition it is proposed that exemptions should not be granted from the weekly holiday in the case of workers engaged in intermittent work, and the definition of such work has been made more specific.

The remaining sub-clauses are new. Sub-clause (3) has been found to be necessary in order to enable the factory management to avail itself of other exemptions that may be given.

Sub-clause (4) provides for the fixing of absolute limits to overtime and sub-clause (5) is designed to ensure that the exemptions and the conditions on which they are granted are reviewed at intervals of not less than three years.

Clause 44.—This provides for certain exemptions which cannot suitably be made by rules. Sub-clause (1) is designed to meet the case of those factories where the fixing of hours beforehand would impose an unreasonable limitation on the working of the factory: for example, there are factories where work comes in at unexpected times and has to be done with extreme expedition. Sub-clause (2) is based on section 30 (2), but it is proposed that the power to grant exemptions may also be exercised by the Chief Inspector, subject to the control of the Government. Sub-clauses (3) and (4) are designed to secure that the limits prescribed by the Government for overtime apply to such exemptions and that they do not remain in force for an unreasonable period.

Clause 45.—This clause is based on section 24, but it is proposed to change from 5-30 A. M. to 6 A. M. the hour before which women may not normally be employed. The object is to secure for women a night rest of not less than 11 hours, which is the period prescribed by the International Convention relating to this subject and recommended by the Labour Commission. The provisos are new.

Clause 46.—This is a new provision designed to meet the difficulties of factories working on shifts. For example, a factory worker who works up till 4 A.M. on Sunday morning and then gets 40 hours of rest, commencing work again at 8 P.M. on Monday night, has at present to be exempted from the provisions relating to the weekly holiday.

Clause 47.—Sub-clauses (1) and (2) replace section 31 and embody the Labour Commission's recommendation that work in excess of 60 hours in the week should be paid at the rate of time and a half. It is proposed to make similar provision for work done in excess of the daily limit of hours in a non-seasonal factory.

Clause 48.—Cf. section 25.

Clause 49.—This embodies a recommendation of the Labour Commission and is designed to give the Government power to control the working of multiple shifts.

Clauses 50 to 53.—These embody, so far as children are concerned, the substance of sections 23 (a) and 7. It is proposed to enable the Government to prescribe for the guidance of certifying surgeons granting certificates physical standards to be attained by children.

It is also proposed, as recommended by the Labour Commission, that adolescents should be required to produce certificates of fitness before they can be permitted to work as adults. Adolescence has been defined so as to include persons between the ages of 15 and 17. Adolescents may be certified as fit either for childern's work or for adult work. In the former case they will be subject to all special restrictions imposed by the Regulation on the work of children, and in the latter case they will be subject to none of these restrictions. The Labour Commission also suggested that young persons should be prohibited from working at night, but the advantages to be gained by preventing male adolescents who are certified as fully fit for adult work from working at night do not outweigh the difficulties that would thus be created.

Clause 54.—Sub-clauses (1) and (2) are based on the recommendations of the Labour Commission. Sub-clause (3) is based on section 23 (b). The same modifications have been made in the case of children as in the case of women. Sub-clause (4) is designed to ensure that every child, without exception, enjoys a weekly rest. Sub-clause (5) is taken from section 25.

Clauses 55 *to* 57.—These extend to children the principles applied to adults in clauses 40, 41 and 42.

Clause 58.—This embodies the principles of section 8 A, but it is proposed to extend it, as recommended by the Labour Commission, to persons who appear to the Inspector to be children or adolescents.

Clauses 60, 62 *to* 69.—These embody, with the necessary consequential additions, sections 41, 43 and 44. Clause 68 is new. Section 43 A, which provided for the grant of compensation to injured workers out of fines has been omitted, as adequate provision is now made by the Workmen's Compensation Regulation.

Clause 61.—This follows a recommendation of the Labour Commission and is designed to secure in suitable cases adequate penalties in the case of repeated offences.

Clause 70.—This is a new clause designed to ensure that whenever possible the person responsible as occupier is clearly designated.

Clause 71.—This reproduces section 42.

Clause 72.—Cf. section 46. The provision is, at present limited to parts of the factory where certain work is carried on. It is proposed to extend it to all parts of the factory where children are employed.

Clause 73.—Cf. section 47.

Clauses 74 *and* 75.—Cf. sections 48 and 49. The proviso to clause 75 is new.

Clause 76.—Cf. section 36 (1). Sub-clause (2) is new.

Clause 77.—Cf. section 38.

Clause 78.—This is based on sections 39 and 40, but the exception contained in section 39 (1) has been omitted.

Clauses 79 *and* 80.—These reproduce sections 53 and 54

Clause 81.—The proviso is intended to ensure that there is no breach of continuity in respect of matters not covered by section 6 of the General Clauses Regulation, 1897.

ppendix F G—1]

UBJECT .....

.....

.....

Section

File No.

Serial No.

Diary No. of letter replied to ..... G.M. No. P 375-86

To

[Here enter name(s) list at Heading (a)]

Member in charge of

General and Reven etariat

Subject Meeting of the Select

Committee to Consider

in 193 upon Taxbourne Bill

Date of issue 17/7/35

Signed by

A meeting of the above

Committee appointed to

consider the above Bill

will be held in

the Chambers of the

Finance Member of Council

Public Offices Buildings

at 1. P.M on Tuesday the

30th July 1935 and the

Number of enclosures .....

Copied by .....

Examined by

[illegible] days if necessary

[illegible] the 29th instant

[illegible] intimated in

[illegible] G.M. No. D 293-3C

dt. 12/1:

[illegible]

Copy to Shri [illegible]

[illegible] in G.C. (New)

(1) [illegible]

(2) C.B for drinking water

if necessary Arrangements [illegible]

(3) D.A. Office

(4) Desk Br

Secretary, Legislative Council,
Mysore, Bangalore, the 16th July 1934.

17

Official Memorandum. No. P 375-84,

To

The Member, Mysore Legislative Council.

Subject: Sitting of the Select Committee to consider the Mysore Societies Bill.

A meeting of the Select Committee appointed to consider the Mysore Societies Bill will be held in the Chambers of the Joint Member, Legislative Council, Public Offices Buildings, Bangalore at 11 A.M. on Tuesday the 24th July 1934 for the succeeding days, if necessary, instead of for the 17th instant as previously intimated in this office Memo.

Dated 14th July 1934.

Yours obediently,

Secretary, Mysore Legislative Council.

P293302

Office of the Secretary, Legislative Council
[illegible] Barbados, the 13th July 1905.

Official memorandum. 13

[illegible] Legislative Council.

A meeting of the select committee to consider the Bill to consolidate and amend the law regulating [illegible] will be held in the chambers of the Legislative Council, Public Office Buildings, [illegible] on Monday the 24th July inst., and [illegible] days.

By order,

Secretary, Barbados Legislative Council.

Sec

OFFICE OF THE SECRETARY, LEGISLATIVE COUNCIL.

No. P.D.93-302 Dated, Bangalore. 13.7.35 .193

To

Official Memorandum.

L Vide P.D for names of addresses.

Member, Mysore Legislative Council.

A meeting of the Select Committee to consider the bill to consolidate and amend the law regulating labour in factories will be held in the Chamber of the Hon'ble member of council, Public Offices Buildings Bangalore at 4 P.M. on Monday the 29.7.35 and succeeding days.

Order,

Secretary, Mysore Legislative Council

copy to P.A to Hon'ble member
" Office Branch.

NOTIFICATION.

No. Rl. 51- *L. C.* 1-35-1—*Bangalore, dated 5th August* 1935.

Under Standing Order No. 49 of the Standing Orders for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee on the Bill to consolidate and amend the Law regulating Labour in Factories is published for general information.

By Order,
C. SUBRAHMANYA AIYAR,
Secretary,
Mysore Legislative Council.

Report of the Select Committee on the Bill to consolidate and amend the Law regulating Labour in Factories.

We, the undersigned members of the Select Committee to which the Bill to consolidate and amend the Law regulating Labour in Factories was referred, have considered the Bill at two meetings held on the 30th and 31st of July 1935, and have now the honour to submit herewith this our Report.

Clause 45 (b) Proviso.—We consider that it is not desirable that women should be allowed to work in factories after night fall. Though the hour 7-30 P.M., may be suitable for certain parts of India as the hour beyond which women shall not be allowed to work, it is in our opinion not suitable to Mysore and we have changed it to 7 P.M.

Clause 54 (3) Proviso. - For the same reasons as in regard to the proviso to clause 45 (*b*) we have changed 7-30 P.M. to 7 P.M.

Clause 59.—It is the opinion of the majority of the Committee that the Government should have the power to require a factory employing a large number of children to provide education for such workers in such subjects and up to such standards as may be prescribed or approved

by, the Government. Accordingly we have numbered clause 59 of the Bill as sub-clause (1) and added the following as sub-clause (2):—

"59 (2) The Government may also make rules requiring that in any specified factory wherein more than fifty children are ordinarily employed, provision shall be made for the education of such children in such subjects and up to such standards as may be prescribed or approved by the Government.'

Clause 60.—Consequent on the amendment proposed in clause 59, we have added the following as sub-clause (*g*) after sub-clause (*f*) of clause 60:—

"or (*g*) there is any contravention of any rules made under sub-section (2) of section 59, ".

As there are very few changes in the Bill, we do not consider it necessary to republish the Bill.

(Sd.) K. MATTHAN, (*Chairman*).
,, S. ABDUL WAJID.
,, M. VENKATANARANAPPA.
,, A. V. RAMANATHAN.
,, M. RAMACHANDRA RAO SINDIA.
,, T. RAMACHANDRA.
,, G. CHANNAPPA.
,, S. SUBBA RAO.
,, F. L. SILVA.
,, C. HAYAVADANA RAO.

BANGALORE,
31st July 1935.

* Mr. H. D. Sinclair, the other member of the Committee, was unable to be present at the meetings.

Printed by the Superintendent at the Government Press, Bangalore

Report of the Select Committee on the Bill to consolidate and amend the law regulating Labour in Factories.

We the undersigned members of the Select Committee to which the Bill to consolidate and amend the Law regulating Labour in Factories was referred, have considered the Bill at the meetings held on the 30th of July 1935 and have now the honour to submit herewith this our report.

Cl. 45 (b): We consider that it is not desirable that women should be allowed to work in factories after night fall. Though the hour 7.30 p.m., may be suitable for certain parts of India as the hour beyond which women shall not be allowed to work, it is in our opinion not suitable to Mysore and we have changed it to 7 p.m.

Cl. 54(3) For the same reasons as in clause 45(b) we have changed 7.30 p.m., to 7 p.m.

Cl. 59. It is the opinion of the majority of the Committee that Government should have the power to require a factory to provide education for ~~child workers in the factory~~ in such subjects ~~or~~ and up to such standards as may be prescribed or approved by the Government. Accordingly we have numbered clause 59 of the Bill as sub-clause (1) and added the following as sub-clause (2):

"59 (2). The Government may also make rules requiring that in any specified factory wherein more than ~~fifty~~ children are ordinarily employed, provision shall be made for the education of such children in such subjects and up to such standards as may be prescribed or approved by the Government."

Cl. 60. Consequent on the amendment proposed in Cl. 59, we have added the following as sub-clause (g) of clause 60:-

"60 or (g), there is any contravention of any rules made under sub-section (2) of Section 59."

As there are very few changes in the Bill, we do not consider it necessary to republish the Bill.

Subbarayudu.

Muthulakshmi Reddi

Aryamani Thevar

M. Ramachandra Rao Saheb

J. Ramachandra

Muniswami

S. Subbarao

K. Neelakanta Rao

Bhore

Kuttan

Salem
31st July 1935

* Mr H. D. Sinclair, the other member of the Committee was present at the meetings.

General.

The Bill does not touch people who work in hazarduous sphere viz Mines, Transport and P.W.D. such as those who work on roads, buildings and bridges.

Mr.K.T.Bhashyam Iyengar.

I press very strongly for the compulsory provision in the Act for the establishment of school for half-timers in factories where more than 50 children are employed.

Mr.T.Ramachandran.

The question of providing for the education of children may be taken note of while the Bill is under the consideration of the Select Committee.

Mr. K.Chengalaraya Reddi.

Unless there is a clause that wages shall not be reduced and the reduction of hours of work will result in the reduction of wages.

Mr.P.Murugesam Pillay.

Mr.B.A.Garudachar.

The question how the measure should be applied to existing factories in the matter of location etc should be considered.

Mr.B.A.Garudachar.

Clause (2)(g) definition of "factory" '52

The definition of the word 'factory' is very vague. The provision made that the factories where even power is not used may be termed factories will work a great hardship. The interest of small industries must be safeguarded.

Mr.M.R.Sindhia

Mr.P.Subbarama Chetty.

We must take care to see that the interests of small industries in Mysore are safe guarded.

First Member.

Beedi Factories and Soap Factories should also be brought within the definition of the term 'factory' even though they did not make use of any power and the power of declaring any premises as such should not be left to the discretion of the Government.

Mr.C.Narasinga Rao in R.A.

This is a matter which could be considered at the Select Committee.

First Member in R.A.

The measure should beapplied only to concerns employing at least 50 labourers.

Mr.T.Mariappa in R.A.

Clause 10 Inspectors.

It must be made clear that persons of less than certain status will not be appointed.

Mr.A.Chengalraya Reddi.

The Inspecting Officer must be a trained person knowing the technicalities of the factory.

Mr.P.Murugesam Pillay.

Clause 11 - Power of Inspectors.

The Bill ought to make it obligatory on the part of the Inspector to takenotice of any complaint made whether by a worker himself or by any body acting on his behalf.

It may also be made clear who is to initiate a prosecution.

Mr.D.V.Gundappa.

A small Advisory Board should be associated with the Inspector in carrying out the details of his duties.

Mr.F.L.Silva.

These are welcome provisions. But in the case of small factories these may not be given effect to.

Mr.P.Subbarama Chetty.

Clause 34.

I appreciate the <u>via media</u> you have adopted i
fixing it at 54.

Mr.K.T.Bhashyam Iyengar.

The introduction of this class of adult workers will lead to much discontent in the labour population.

Mr. F. L. Silva.

Clause 37

It is difficult to understand the meaning of the section. An example may be given so as to make the meaning clear.

Mr. F. L. Silva.

The interval to be allowed to labourers should be raised from 1 to 1½ hours.

Mr.B.C.Rangappa
in R.A.

Clause 41

It is not possible in the case of small factories to keep the books in the way prescribed.

Mr.F.L.Silva.

Clause 50.

160

The age limit of child labourer, which is fixed at 12, is rather too high.

Mr.P.Murugesam Pillay.

Clause 60. 161

The penalty prescribed is very heavy.

Mr.F.L.Silva.

No. L/3012.

GOVERNMENT OF INDIA.

DEPARTMENT OF INDUSTRIES AND LABOUR.

Dated Simla, the 10th June 1932.

FROM

TIN TÜT, ESQ., I.C.S.,

Deputy Secretary to the Government of India,

To

ALL LOCAL GOVERNMENTS AND ADMINISTRATIONS.

SUBJECT :—*Revision of the Indian Factories Act.*

SIR,

I am directed to address you regarding the revision of the law relating to factories with special reference to the recommendations of the Royal Commission on Labour.

2. The principal change which the Commission advocate in the character of the Factories Act lies in its modification so as to discriminate in certain important matters between different classes of factories. All the substantive sections of the present Act apply equally to a large factory employing thousands of persons with elaborate machinery and to a small one employing 20 persons working with simple appliances ; they apply equally to the factory working steadily throughout the year and to the factory which can work only for a brief season. Further, if it is found necessary to regulate in any manner the factories which do not use machinery or which do not employ as many as 20 persons, the only method available is the application to them of the Act as a whole. It is only by use of the exempting provisions that any discrimination can be lawfully exercised. The Commission observe that " the present Act takes too little account of the differences between certain classes of factories, and one consequence of this defect is that, in some directions, it has to be unduly elastic ". Remarking that the Act makes little distinction between seasonal and non-seasonal factories, they consider that the former class has tended to secure in matters of exemption and enforcement an amount of latitude which is not accorded to other factories. The aim, in their view, should be to establish standards for seasonal factories which may differ from those applicable to perennial factories, but which will be enforced with as much vigour as is applicable to the latter. Similarly, in respect of the smaller power factories, few of which are at present regulated, they propose another differentiation. In place of the present provisions which give local Governments the choice between applying the whole of the Act or none, they recommend the application of certain provisions automatically with power to apply other provisions as and where the need arises. Finally for factories not using power, nearly all of which are at present unregulated, they propose a new and separate Act.

3. Their recommendations fall into two groups, according as they involve the alteration of the law applicable to factories already subject to regulation and the extension of regulation to factories which are at present unregulated. The latter group of proposals raises questions of difficulty, especially at a time when financial considerations make it impossible to contemplate any substantial increase in the strength of the inspecting staff. For this and other reasons the Government of India propose to discuss the two groups of recommendations separately. The present reference is designed to elicit opinions only on the first group of recommendations, *viz.*, those relating to such alterations in the law as do not involve any addition to the number of factories and workshops which will be subject to it. On the second group of proposals a separate reference will be made later.

4. In order to enable the effect of the former group of recommendations to be clearly seen, the Government of India have embodied them in a draft Bill which is

appended to this letter. The inclusion of a provision in this Bill should not be taker as denoting that the Government of India approve the principle of the provision the Bill is designed primarily for the eliciting of opinions. It will be observed that the Bill is both a consolidating and an amending Bill. The Factories Act has already been amended to such an extent that but little of the original measure remains on the statute book, and if a substantial number of amendments have now to be made, it will be more convenient for all concerned with the administration of the law to have a self-contained enactment. The Bill is therefore in the form of a measure replacing the original Act of 1911 and the amending Acts of 1922, 1923, 1926 and 1931. Departures from the existing law are shown in the Bill in italics, and it is on these proposed changes that opinions are especially desired. Their object will be sufficiently clear in most cases from the notes appended to the Bill, which contain references to the portions of the Commission's Report in which they are discussed, and also comments by the Government of India. There are two questions, however, which, in view of their importance require a fuller discussion, namely, the change recommended by the Commission in the ordinary limits for adult hours and the provisions for exemption.

6. So far as the reduction of hours is concerned, the Commission's recommendation is applicable only to perennial factories. In seasonal factories they recommend the maintenance of the existing limits of sixty hours weekly and eleven hours daily, a proposal with which the Government of India are provisionally in agreement. The case for and against a reduction is set out at length in their Report in which it should be studied. The initial discussion will be found on pages 37 to 46 of the Report; Sir Victor Sassoon's minute, setting out his objections, is on pages 478-480, and to this the majority have appended a rejoinder (pages 488-9) which clarifies their position on the question. The Government of India do not propose to traverse the ground again in detail, but they desire to set down what seem to them the salient points in this connection. It is important to remember, at the outset, that large sections of Indian industry ordinarily demand of the workers substantially shorter hours than the maxima permitted by the Act. Even before the present depression, it is probable that the working day for the majority of factory operatives was not more than 9 hours. The Commission's discussion of the case is accordingly directed to those industries, and notably the cotton textile industry, which take full advantage of the hours permitted by the Act.

5. In respect of such industries, there are two aspects of the case to be considered, *viz.*, the effect of a reduction on the position of the operatives and the effect of a reduction on the position of the employers. As regards the operative, there can be no question of his need for a shorter day and of the advantages he will gain, provided that the reduction does not entail an undue monetary sacrifice. A system which requires him to spend eleven hours in the precincts of the factory, apart from the time occupied in going to and returning from work, is one which calls for reform if it can possibly be accomplished. But the loss of an hour from the working day must mean, unless the operative can produce an equivalent amount in the shorter time or the employer is prepared to pay a higher rate of wages, a reduction in earnings. Sir Victor Sassoon expresses the view that it will not be practicable to shorten hours in the textile industry without increasing wages to a corresponding degree. The majority of the Commission, on the other hand, definitely contemplate a reduction in wages, at any rate at the outset. The Government of India doubt if employers in any substantial section of industry can at present grant an appreciable increase which is not earned by increased production, and, if this is so, the possibility of avoiding dislocation by increasing wage-rates cannot be seriously considered. It should be remembered in this connection that piece rates, where they are in force, should operate to minimise the difficulties of adjustment

7. Assuming that the wage-rates, *i.e.*, the rates of payment per unit of output, were maintained and hours were reduced, some increase in the rates of earnings per hour might be expected. The view that the 10 hour day, where it is in operation, is only a nominal day has the support of responsible employers, and few will contest the view of the Commission that " it is impossible for the average operative to remain at work regularly through a 10 hour day either in a cotton mill or in any other factory." Some adjustment, therefore, is possible in the form of concentrating the actual hours of work for the individual operative into a shorter space, *i.e.*, in reducing the appreciable amount of time at present spent away from work in what are nominally working hours. If, as many employers believe, the effort of the operative is influenced largely by his desire to earn a more or less definite sum, the reduction of hours should have an immediate effect in increasing efficiency, and it

would certainly render possible an increase in efficiency which cannot be demanded with existing hours. Even so, it seems probable that there will be many operatives who will have to face a reduction of earnings, at least until there has been time for them to adjust themselves to the new conditions. But, as the Commission have observed in this connection, the general level of real wages has risen apparently owing to the fall in prices, and it appears to be substantially above the level prevailing a few years ago. In consequence, a reduction in individual earnings could be made without bringing them back to that level.

8. As regards the effect upon employers, there is one essential difference to be borne in mind. A reduction of hours is for the operative an absolute reduction; the number of hours available to him for production is definitely diminished and his production can only be maintained by the attainment of a higher standard of work. For the employer the reduction need not be absolute. He has, in theory, the whole of the 24 hours still available for production; in practice it should be possible for many employers, by engaging additional operatives and adjusting the hours of work, to reduce the hours of the individual workers while maintaining or increasing the hours of production. Provided that the employer is not compelled to increase wage-rates or to curtail the aggregate hours worked, the number of men who contribute to these hours is for him a matter of secondary importance. Actually, in important sections of industry such as the cotton-textile industry, the number of men in employment at present is substantially in excess of the number that would be necessary if every man remained on duty throughout working hours; and where this is the case, the regularization of the unauthorized intervals offers an obvious opportunity for adjustment. Apart from the compensation which can be obtained in this manner, and the increase in the rate of production which a shorter day should bring, the Commission lay stress on the increased production which is possible by increasing the total hours worked by the factory by the employment of separate shifts. Indeed, since they examined the question, the cotton-mill industry in various centres has tended to resort to this method for increasing production. In a few cases, hours for the individual have been reduced to 9 and even 8; but most of the mills require even the night shift to work 10 hours. This development, which was anticipated by the Commission, affords an additional reason for considering the reduction of hours; for it is generally recognized that night shift working involves an extra strain on the operative.

9. The difficulty which confronted many employers in the past in connection with proposals to restrict the hours of work was that of finding adequate extra labour to compensate for the shorter hours of individual workers. That difficulty can hardly be said to exist at present; the supply of labour in most centres is more than adequate to any demand that is likely to arise as a result of a reduction of hours, and the distribution of the demand over a larger number of workers might do something to alleviate hardship during the present time of stress. The Government of India do not doubt, therefore, that if the conclusion is reached that a reduction of the maximum hours is in the interests of the country as a whole, the present time is in several respects well suited to its introduction. A reduction in earnings is a serious matter for operatives and the necessary adjustments must be attended with some difficulty both for employers and for workers at any time. But whether the situation is examined from the point of view of the employers, of the employed or of those seeking employment, there is now a more favourable opportunity of effecting a change than there has been at any time in the past.

10. The majority of the Commission recommend for most perennial factories a weekly limit of 54 hours and a daily limit of 10 hours; the minority propose limits of 48 and 8 hours respectively. The arguments for these views are set out on pages 44—46 of the Report. The Government of India consider that, if a reduction is to be made, the advantages of limiting the reduction, for the present at any rate, to that advocated by the majority are obvious. The majority add "we would allow factories working on continuous processes or supplying articles of necessity which have to be supplied every day a 56 hour week, subject to their giving the operative an average week of not more than 54 hours and conforming, in respect of holidays, to the provisions we recommend later". The appended Bill embodies the recommendations of the majority of the Commission.

11. I am to invite special attention also to the question of the exempting provisions. In the draft Bill some minor changes of substance have been made in these. Thus the existing section 32 has been omitted; in so far as the factories mentioned in them satisfy the conditions mentioned in section 30 of the Act, they can secure the necessary exemptions, and there would seem to be no justification

for a wider latitude than that section permits. Again, Chapter V of the draft no longer contains provisions for exemption from the requirements of registration, at present embodied in section 26. This change is consequent on the omission of that section in its present form and the insertion of other provisions, to which reference is made below. A new section, limiting exemptions in respect of the period for which they are operative, has been added on the recommendation of the Labour Commission. A section has also been added to provide for maximum limits of overtime. Such provision is made obligatory by the Washington Hours Convention, and limits are at present prescribed by rules in most provinces ; but doubts have been cast in some provinces on the validity of these rules. The other alterations are almost entirely consequential.

12. But while the Government of India have left the main principles governing exemptions, embodied in section 30 of the Act (clause 44 of the Bill) unaltered, they are anxious that these also should be closely scrutinized. If the Act is altered on the lines proposed by the Labour Commission, the main classes of factories mentioned in clauses (*c*), (*d*) and (*e*) of the section will be granted, in certain respects, by the substantive provisions of the Act, a degree of latitude not allowed to other factories. Although it must be emphasized that even the special provisions proposed for these factories will in no case place them in a more favourable position than they at present enjoy, it might be possible and desirable to reduce the range of exemptions applicable in such cases. A further point which deserves examination is the possibility of fixing statutory limits of overtime in the Act, instead of leaving them to rules. There is an absolute limit, under the present Act, of 11 hours per day for women. In the case of men, while an absolute daily limit is probably undesirable, there would be advantages in fixing a uniform limit to the possible extension of weekly hours.

13. In one important respect the recommendations of the Commission have been varied in the Bill. On page 64 of their Report the Commission suggest that, following the principle embodied in British legislation, local Governments should be empowered in general terms to pass orders applicable to particular classes or groups of factories relating to welfare. "Welfare" is a wide term and the Commission have given some indication of the variety of subjects which can be included under this head. The Government of India are provisionally opposed to such a wide extension of the rule-making power as this recommendation would involve. They consider it preferable and more in consonance with the principles underlying the Act, that fresh requirements of the kind regarded by the Commission as desirable should have the approval of the Legislature and should not be imposed on factory-owners by the executive Government. While, therefore, they have embodied in the draft Bill amendments designed to carry out the specific recommendations of the Commission in respect of welfare, they have not made provision for any such general order-making power as the Commission contemplated.

14. The proposals made by the Labour Commission relating to factories have now been before the public for nearly a year and those concerned have doubtless formulated provisional conclusions with regard to them. There are, however, certain other amendments in the draft Bill which do not arise out of the Commission's recommendations. In particular attention is invited to clauses 51 and 52 which represent an endeavour to recast sections 26, 35 and 36 of the existing Act. The reasons for these and such other changes as have been made are explained in the comments appended to the Bill. The Government of India will also be glad to consider any suggestions for the improvement of the law, whether these relate to sections which have been amended in the draft Bill or to those left unaltered. I am to request that copies of this letter and its enclosures may be forwarded to associations of employers and employed and to such other organizations or individuals as are likely to be interested in them and that the Government of India may be favoured with the opinions received and with the views of His Excellency the Governor in Council not later than the 1st December 1932.

I have the honour to be

SIR,

Your most obedient servant,

TIN TUT

Deputy Secretary to the Government of India.

H66DIL—250—22-7-32—GIPS

All Communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

No.F.1109-34
R.O.I.

2562/1 Vol. 69

GEN. SECRETARIA... 27 NOV. 1934 DEVELOPMENT BRANCH

FROM

Major C.G.N. Edwards, I.A.,

SECRETARY TO THE HON'BLE THE RESIDENT IN MYSOR

To

The Chief Secretary to the Government of

His Highness the Maharaja of Mysore.

Sg with Camp 5/ R2 26/11/34

CHIEF SECRETARY Pupu 20 NOV. 1934

Dated, Bangalore, the 24th November 1934.

Subject.

Proposal to introduce in Indian States legislation on the lines of the Factories Act, 1934.

.....

Sgwk 24/11 K Ak P26/11

SIR,

I am directed to refer to the Factories Act, 1934, (Act XXV of 1934) which will come into force in British India on the 1st January 1935.

2. Employing interests apprehend that the Act - and especially its provisions relating to hours of work - will intensify competiti between factories in British India and factories in Indian States In this connection attention is invited to the papers noted in the margin, copies of which are enclosed. The Government of India are of opinion tha it is most desirable tha factory legislation in Indian States should, as far as possible, be assimilated to the legislation in force in British India; and for this reason I am to invite the Government of Mysore, if they see no objection, to consider the desirability of amending and consolidating the existing law regarding factories in Mysore on the lines of the Factories Act, 1934. It may be

---

Note appended by Mr.Mody (representing the Bombay Millowners' Association) to the report of the Select Committee on the Factories Bill.

Letter No.1343/101 of 1934 dated the 18th of July 1934 from the Millowners' Association, Bombay.

mentioned here that in addition to the Mysore State, a large number of other States also either adopted or decided to act up to the provisions of the Indian Factories Act, 1911, in response to a similar request made in that year.

3. Copies of the Factories Act, 1934, can be obtained on payment from the Manager of Publications, Civil Lines, Delhi.

I have the honour to be,
Sir,
Your most obedient servant,

SECRETARY TO THE RESIDENT.

Note appended by Mr. Mody (representing the Bombay Millowners' Association) to the report of the Select Committee on the Factories Bill.

In signing this Report it is necessary to state that interests I represent have withdrawn their opposition to the 54 hour week solely out of consideration for the welfare of the workers in the factories. While they opposed the change in the first instance, they recognised that it was bound to come some day, and they would have been prepared to welcome it at the proper time. All that they felt was that, under present conditions, a shorter working week would undoubtedly raise cost of manufacture, and increase the difficulties of Indian industries in their competition with the products of other countries. In waiving my objection, however, I strongly urge the Government of India to do all they can to secure the adherence of the Indian States to the provisions of the legislation which is now under consideration. Already, industries in Indian States enjoy considerable advantages in costs of production over those in British India; and if Indian capital and enterprise are not to turn increasingly away from British India, it is necessary that there should be a closer approximation between the condition obtaining there and those prevalent in the territories of Indian Princes.

Copy of letter No.1343/101 of 1934, dated the 18th July 1934 from the Secretary, Millowners' Association, Bombay, to the Secretary to the Government of India, Department of Industries and Labour, Simla.

.....

My Committee have been favoured with a copy of Government letter

letter dated 21st April, 1934, addressed to the President of the Employers' Federation of India requesting to be furnished with particulars of Industries and States in which the Federation has particular reasons to fear development which would result in a serious setback to a corresponding Industry in British India.

This Association, as Government are aware, are mainly concerned with the cotton spinning and weaving industry, and the observations made below, therefore, only deal with the danger to be apprehended to that Industry. The Association have no information of special value in regard to other Industries.

The Indian Factories Act at present in operation fixes the working hours of cotton mills at 60 per week. This Act came into operation on 1st July 1922, but in anticipation of the cotton spinning and weaving mills affiliated to this Association had with effect from 1st February 1920 reduced their working hours to conform with the contemplated legislation and the Washington Hours of Labour Convention. At that time, the question of the hours of labour worked in Indian States was not considered to be of very great importance as the capacity of the Industry in Indian States was limited. In the years that have passed since 1921, however, there has been a very rapid increase in the loomage and spindleage of cotton mills located outside British India. The actual figures are shown below:-

	Spindles.		Looms.	
	States.	British India.	States	British Ind
1919-20	405,178	6,309,087	8,158	109,400
1920-21	408,526	6,243,948	8,531	109,422
1921-22	438,713	6,375,560	9,412	118,902
1922-23	579,179	6,665,940	11,617	125,621
1923-24	708,648	7,194,548	14,027	133,060
1926-27	791,228	7,621,589	15,390	142,734
1928-29	840,277	7,653,033	16,537	148,847
1932-33	1,071,580	8,500,088	21,031	168,009

It will be seen from the above figures that in about 12 years the number of spindles in Indian States has increased from 409,000 to 1,072,000 or by 162 per cent. The number of looms has increas from 8,500 to 21,000 or by 147 per cent. In British India there has also been considerable expansion, but the rate of expansion has not been anything like so rapid as in Indian States. This, in the opinion of this Association, is due to three main causes. In the first place, the average rate of wages paid per operative has been very much lower in Indian States than in the more importa centres of the Industry in British India such as Bombay and Ahmedabad. Secondly, this advantage of low wages has been greatly increased by the delay which in many cases has taken place in introducing a working week of the same length as existed in British India. Thirdly, the encouragement given by the State Authorities in certain instances for the development of cotton industries.

The advantages which the Indian States Mills possessed in the directions mentioned above, added to the benefits which in certain instances, accrued to them owing to their proximity to cotton growing centres and yarn and cloth consuming markets in British India, have enabled them to market their goods in British India at prices against which mills in British India have the greatest difficulty in competing, since these advantages can only be made up by a higher all round efficiency in British Indian Mills. The attainment of this high efficiency has been hampered by the economic depression which has existed for may years, and has made it difficult for old established concerns to instal machinery of as up-to-date a character as has been installed in the more recently established mills in Indian States. As far as my Association are aware, no Indian State has declared its intention of amending its factory legislation to conform with the new legislation in British India, and this being the case, it is anticipated that the cotton textile industry in Indian States is

likely

likely to develop in the immediate future at the expense of the cotton textile industry in British India unless adequate steps are taken by the Government of India to offset the advantage which the Indian State mills will possess vis-a-vis mills in British India, by retaining a working week of 60 hours.

A correct assessment of the effect on costs of manufacture which will follow on the institution of a 9-hour day is somewhat difficult, as it is not possible at the present time to estimate to what extent, if any, the efficiency of workers will increase when the length of the working day is reduced. An enquiry which was recently made from a number of mills in Bombay City and Island however, goes to show that a curtailment in hours might put up the Bombay costs of production by about 6¼ pies per pound in the case Calcutta Dhoties and by about 4½ pies per pound in the case of 40s grey singles yarn. Such a difference in costs would be sufficient to cripple completely the trade of British Indian Mills in certain lines and it is, therefore, urged that immediate steps should be taken with the object of removing this disability which British Indian Mills are apparently to be called upon to suffer for an indefinite period commencing from 1st January 1935.

"C o p y"

SUPERINTENDENT, RESIDENT'S OFFICE.

PKH

Appendix F.G—1]

SUBJECT. .....

.....

.....

Section 44

File No. 121-34

Serial No. 2

Diary No. of letter replied to 2562

No. Pol. 596 Dy 5712/3

To

The Secy to the Hon'ble the Resident in Mysore

General and Revenue Secretariat

( )

the *19*

Subject

Proposal to introduce in Ind States legislation on the lines of the Factories Act, 1934.

Date of issue .....

Signed by .....

Sir

I am directed to acknowledge the receipt of your letter No 7 1109-34/R.O I D 24.11.34 on the above subject and to state that ~~Question of the~~ two amendment of the Factories Act on the lines of the legislation in British India is under consideration of Govt As the several interests affected by the proposed legislation have

List of enclosures .....

Copied by .....

Examined by... Mysore Govt.

WD 01956—GPB—22,590—12-6-34

Necessary procedure 2 passing
the Bill through the
Representative Assembly and the
Leg. Council ~~has to be followed~~
before the Bill is passed into Law
~~Legislation is created~~
~~it will be expected but the~~
~~time, process~~ accordingly it will take
some time I am to add that
the Govt will take necessary quick
supporting action as early as possible
~~practicable~~

Yours etc

MW.

29/4 Secy to Govt
Dev. Dept

Dd.596
IC 121-34-2
8 5.12.34

To

The Secretary to the
Hon'ble the Resident in Mysore.

SUBJECT:-- Proposal to introduce in Indian States legislation on the lines of the Factories Act, 1934.

Sir,

I am directed to acknowledge receipt of your letter No.F.1109-34/R.O.I dated 24th November 1934 on the above subject and to state that the amendment of the Factories Act on the lines of the legislation in British India is under consideration of the Mysore Government. As the several interests affected by the proposed legislation have to be consulted and the necessary procedure of passing the bill through the Representative Assembly and the Legislative Council followed, it will take sometime before the bill is passed into law. I am to add that this Government will take necessary further action as early as possible.

I have &c.,

Secretary to Government,
Development Department

The Secretary to the
Non'ble the Resident in Mysore.

SUBJECT:-- Proposal to introduce in Indian
States legislation on the lines
of the Factories Act 1934.

Sir,

I am directed to acknowledge receip
of your letter No.F.1109-34/R.O.I dated
24th November 1934 on the above subject
and to state that the amendment of the
Factories Act on the lines of the legis-
lation in British India is under consi
deration of the Mysore Government. As
the several interests affected by the
proposed legislation have to be consulted
and the necessary procedure of passing
the bill through the representative
Assembly and the Legislative Council
followed, it will take some time before the
bill is passed into law. I am to add that
this Government will take necessary
further action as early as possible

Secretary to Government
Development Department.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

10

Dated, Bangalore, 4th Dec. 1934.

No. D dl. 595

Lr. 12-34-2

From

The *Secretary to the Government of His Highness the Maharaja of Mysore,*
Development Department.

To

The Secretary to the Hon'ble Resident in Mysore,

Bangalore.

~~Sir,~~
xx

Subject:- Proposal to introduce in Indian States legislation on the lines of the Factories Act, 1934.

Sir,

I am directed to acknowledge receipt of your letter No.F.1109-34/R.O.I dated 24th November 1934, on the above subject and to state that the amendment of the Factories Act on the lines of the legislation in British India is under the active consideration of the Mysore Government.

I have the honour to be,

Sir,

Your most obedient servant,

Secretary to Government,
Development Department.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSOR

General and Revenue Secretariat

11

Bangalore, Dated 14th December *193.*

No. D 3947/Encl 2 files

FC. 121-34-3

From

The *Secretary to the Government of His Highness the Maharaja of Mysore, Development Departmen*

To

The Director of Industries and Commerce in Mysore, Bangalore.

Sir,

AMENDMENT OF THE FACTORIES REGULATION.

With reference to the correspondence ending with this office letter No.D.1317/I&C 42-31-8 dated 23rd September 1939 forwarding a copy of the draft Factories Bill of the Government of India, I am directed to state that the question of enacting legislation in Mysore similar to the British Indian Act XXV of 1934 be referred to the Board of Industries and Commerce for an early expression of their opinion in the matter.

A Residency communication inviting this Government to take action on the lines of the legislation enacted in British Indian Act XXIV of 1934 together with the connected files are sent herewith for reference and return.

I am to request you to kindly have a memorandum prepared showing how the British Indian Act differs from our present legulation onthe subject.

I have the honour to be,

Sir,

Your most obedient servant,

Sd/- M. Venkatanaranappa,

Secretary to Government,
Development Department.

Memo No. D 3946

Dated, Bangalore, 14th December 1934.

Copy of the aboye is forwarded with compliments to the Secretary, Board of Industries and Commerce for information.

GEN. & REV. SEC. 18 JAN

M.

Appendix F G—1]

SUBJECT .....

.....

.....

Section 9 (c)

File No. ~~42-31~~ 121-

Serial No. 3

Diary No. of letter replied to .....

No. D 8947

To

The Director of I & C

Subject

Amendment of the Factories Regulation

General and Revenue Secretariat

( )

the *193*

Date of issue 15. 12. 34

Signed by Mr. V. V.

Sir,

I am directed to invite with reference to the correspondence ending with this office letter No D 1317/I & C 42-31-D dy 23.9.32 a copy of the forwarding a draft Factories Bill of the Govt of Ind, I am directed to state that the question of enacting some legislation

List of enclosures .....

Copied by .....

Examined by .....

in Myore Wardha & the
British Indian Act XXV of 1864
may be referred to the
Board of Trade for an early
expression of their opinion
the matter
Lord Herschell Communicating
inviting him Govt & take
action on the lines of the
legislation enacted in British
India (Act XXIV of 1864)
India, together with the
Connected papers are herewith
herewith for reference and return
I & request you to
kindly & a memorandum
prepared showing how the
British Indian Act differs
from our present Regulation
on the subject

BOARD OF INDUSTRIES & COMMERCE.

No. 423 / Enc. 2 & 2 fds

Bangalore, dated 25th April *1935*

FROM H.K. Ramiengar, Esq.,M.A.(Hons),
Secretary, Board of Industries and Commerce,
BANGA[illegible].

4979

To

26 APR. 1935
DEVELOPMENT BRANCH

M. Venkatanaranappa, Esq.,B.A.,
Secretary to the Government of Mysore,
Development Department, Bangalore.

SIR,

With reference to your memo No. D.3948 dated 15th December 19 forwarding copy of your letter No. D. 3947/ I & C 121-34-3 dated 14th December 1934 to the Director of Industries and Commerce re. the amen ments to the Factories Regulation, I am directed to state that the su ject was considered by the Trade,Commerce and Labour Sub Committee on 7th March 1935. The Sub Committee was of opinion that amendments mig be made to the Mysore Factories Regulation to bring it into line with the Indian Act of 1934.

The suggestion of the Sub Committee was considered by the Board at their meeting held on 20th March 1935. The Board resolved that amendments might be made in the Mysore Factories Regulation to bring it into line with the Indian Act.

Copy of the proceedings of the Sub Committee together with a note on the subject and an extract from the proceedings of the Board are sent herewith for reference.

The files received with your letter under reference are also returned herewith.

I have the honour to be,
Sir,
Your most obedient servant

H.K. Ramiengar
Secretary.

BOARD OF INDUSTRIES AND COMMERCE.

PROCEEDINGS OF THE MEETING OF THE SUB-COMMITTEE FOR DEALING WITH SUBJECTS RELATING TO TRADE, COMMERCE AND LABOUR, HELD ON THURSDAY THE 7TH MARCH 1935 AT 3 P.M., IN THE OFFICE OF THE DIRECTOR OF INDUSTRIES AND COMMERCE.

Present.

1. *Rajasevasakta* Mr. S. Hiriannaiya, M.A., B.L. (*Chairman*).
2. S. Abdul Wajid, Esq., B.A.
3. *Dharmapravartha* Mr. M. L. Nagappa Setty.
4. T. Ramachandra, Esq.
5. B. Abdul Rahmon, Esq., B.A.
6. M. Ramachandra Rao Sindia, Esq.
7. M. R. Narasimha Iyengar, Esq.

Mr. H. K. Ramiengar, M.A. (HONS.) (*Secretary*)

Absent.

1. The Director of Agriculture. (Letter expressing his inability to attend the meeting was received.)
2. The Registrar of Co-operative Societies. do
3. P. W. O'Brien, Esq. do

The first subject considered was the introduction of legislation for the registration of Trade Unions on the lines of the British Indian Trade Union Act. The note prepared by the Secretary was considered (Copy enclosed). The Secretary explained the main features of the proposed legislation. He stated that the question was first taken up by Government in the year 1927 and was referred to the Board of Industries and Commerce. The Board recommended that the legislation might be introduced. Some time later, the Royal Commission on Labour in India was appointed and it was thought desirable to await the recommendations of the Commission. Government had now referred the matter again for the opinion of the Board. He stated that the draft Bill sent by Government closely followed the British Indian Act. The main departures from the provisions of the British Indian Act were with regard to the constitution of a separate political fund, immunity from criminal prosecution of the Trade Union leaders and the proportion of the outsiders on the executive staff of a Labour Union.

The Committee discussed at length whether it was disirable to introduce the legislation in the State. Messrs. M. R. Narasimha Iyengar and T. Ramachandra stated that it would really benefit labour if such a Regulation was introduced. The Committee decided that it was necessary that legislation on the lines of the British Indian Act with some modifications referred to below should be introduced.

The Committee then proceeded to consider the proposed modifications to be introduced here. The first alteration was with regard to the constitution of separate political fund. *Rajasevasakta* Mr. Hiriannaiya pointed out that such a fund was not necessary in the best interests of labour. Mr. T. Ramachandra urged the desirability of having a fund for civic purposes. *Rajasevasakta* Mr. Hiriannaiya observed that the members of the Union in their private capacity were at liberty to raise a fund for any purpose they liked. The present condition of labour did not justify any expenditure on matters of political interest. It was finally decided that no provision was necessary for the constitution of a separate political fund.

With regard to the immunity of the office bearers of the Trade Union from criminal proceedings, *Rajasevasakta* Mr. Hiriannaiya stated that in the Mysore Penal Code there was no section corresponding to Section 120 B of the Indian Penal Code. The Committee thought that there was no need to make any provision for this purpose as in Section 17 of the Indian Trade Union Act.

In regard to the proportion of the outside leaders to the members of the Union on the executive body of the Unions, Mr. M. R. Narasimha Iyengar observed that the outside element should be completely eliminated. Mr. T. Ramachandra pointed that the Labour Unions for some time to come required the assistance of some outsiders. Mr. Abdul Wajid explained that it would meet with our requirements if the proportion of three-fourths was fixed and if a quarter of the seats was thrown open to the outsiders. The Labour Commission recommended two-thirds to the members and a third to outsiders. The general sense of the meeting was that the proportion of members to outsiders might be fixed at 3 to 1.

Dharmapravartha Mr. M. L. Nagappa Setty wanted to speci.,
labour that would come under the operation of the proposed legislation and to exempt agricultural labour. *Rajasevasakta* Mr Hiriannaiya observed that registration was optional and that the question of restricting the scope of the law could be considered when the Bill came up for consideration before the Legislature

Mr. T. Ramachandra wanted to know if the Co-operative Societies Regulation might not be made applicable to the Labour Unions so as to permit them to organise co-operative sales societies when necessary. *Rajasevasakta* Mr. Hiriannaiya stated that the members could form co-operative societies separately and that the organisation of a co-operative society need not form part of the proposed Bill.

The next subject considered was the note (copy enclosed) sent by Mr. Srikantaiya *re* the amendments in the Weights and Measures Regulation. Mr. Srikantaiya stated that the amendments proposed by him were with a view to secure the adoption of a uniform system of weights and measures throughout the State. He urged the adoption of weights based on a Bengal maund of 82 2/7 lbs. as it was recognised throughout India and by the Railways. The Mysore standard maund though it was legally equal to 40 seers of 24 tolas, it varied in practice from place to place. It was creating a lot of confusion among the merchants and the public. Mr Srikantaiya stated that the Regulation provided the standards to be used but they were not being enforced all over the State. The members observed that Government had notified several areas in the State where only tested and certified weights and measures should be used. There were 16 such notified areas. Action was also being taken against those who infringed the Rules. The areas in which only the certified weights and measures were required to be used could only be extended gradually and the administration of the Regulation and Rules in additional areas entailed extra staff and expenditure.

With regard to the strict enforcement of the provisions of the Regulation and Rules, it was remarked that it was very necessary that Government should gradually extend the areas where the compulsory use of the certified weights and measures was enforced. It was necessary to take into account the conservative habits of the masses in the rural areas, the force of custom and local traditions and the extra staff required to enforce the law strictly all over the State. During the course of the discussion, emphasis was laid on the need for creating new conventions regarding the use of uniform weights and measures by prominent merchants in several trades and several centres. The merchants' associations should take up this question and set up an example to other people by inducing the members of the association to use the legal standards prescribed by Government. Small merchants dealing with them locally and people in the rural areas having transaction with them will gradually and of their own accord take to the use of uniform weights and measures.

As regards the delegation of power to a tribunal of merchants to try offences under the Weights and Measures Regulation, it was observed that the proposal was not practicable. The merchants might help the officers of Government in proceeding against persons who committed offences in this respect.

Mr. Srikantaiya urged that the administration of the Weights and Measures Regulation should be vested in the Department of Industries and Commerce. The Secretary stated that that was the case formerly and for obvious reasons it had

been transferred to the control of the Revenue Department. The Deputy Commissioners of Districts were empowered to appoint Inspectors of Weights and Measures under whom the Testors were working. The latter could easily get the help of the Police whenever required. Mr. Srikantaiya suggested that at least the Deputy Commissioners might be requested to correspond with the Director of Industries and Commerce in respect of the administration of the Regulation. The Director of Industries and Commerce was already in touch with them. He was arranging for the supply of weights and measures and giving his assistance to the Deputy Commissioners whenever required, *Rajasevasakta* Mr. Hiriannaiya thought that the administration of the Regulation might be transferred from the Revenue Commissioner to the Director of Industries and Commerce, the Deputy Commissioner's powers remaining undisturbed.

Lastly, Mr. Srikantaiya wanted the practice of weighing by hand to be penalised. The difficulties that this would cause to the petty dealers were brought to his notice. It was thought that the question of enforcing the use of scale beams by merchants in the notified areas deserved consideration.

After a careful consideration of all the points raised by Mr. Srikantaiya the meeting decided that no amendments to the Regulation and Rules were necessary. But Government might be requested to enforce more strictly the provisions of the Regulation and Rules in all notified areas and to extend such areas gradually every year.

The Committee considered the memorandum (copy enclosed) prepared by the Secretary regarding the amendments to be made in the Mysore Factories Regulation to bring it into a line with the Indian Factories Act.

The Secretary explained the main features of the Indian Act of 1934 and pointed out how it differed from the Indian Act of 1922. The Mysore Regulation in force followed the Indian Act of 1922. The amendments to be made in the Mysore Regulation to bring it into conformity with the Indian Act were grouped under several heads for purposes of consideration, *e.g.*, scope of the law, provisions for health and safety, hours of work, penalties, etc. The sense of the meeting was that the amendments might be adopted and the Regulation brought into line with the Indian Act.

The last subject considered was the proposal of the Director of Industries and Commerce regarding the grant of Rs. 5,000 for arranging to send some trial consignments of areca to the Bombay market to test the possibilities of finding new market there.

Messrs. *Dharmapravartha* M. L. Nagappa Setty, Srikantaiya and Abdul Wajid were of opinion that there was no need to send trial consignments to Bombay unless they were sure of getting higher prices. The Committee thought that there was no need for any special work to be done in that connection and that no action was necessary for the present.

The suggestion of the Director to form a permanent Committee to arrange for the collection of statistics regarding the economic conditions of the people in the Malnad was considered. The sense of the meeting was that a Committee was not necessary. A special officer might be appointed to collect the statistics that may be felt necessary.

H. K. RAMIENGAR,
Secretary.

S. HIRIANNAIYA,
Chairman.

BRIEF NOTE ON TRADE UNION LEGISLATION.

The question of the introduction of legislation providing for the registration of trade unions on the lines of the British Indian Trade Union Act XVI of 1926 was recommended to Government by the Director of Industries and Commerce about eight years ago. The Board of Industries and Commerce was consulted in the matter. The Board considered this subject and recommended that a legislative enactment similar to the British Indian Act was necessary. Government were requested to refer the draft Bill to the Board for consideration.

A draft Bill was prepared and before it could be proceeded with, a Committee was appointed to go into the question. Just then the Royal Commission on Labour in India was appointed and the Committee thought that it was advisable to await their recommendations before proceeding further.

Government have again called for the opinion of the Board in the matter and sent draft Bill prepared in 1927 for scrutiny and suggestions. The main features of the Trade Union legislation are shown below :—

1. A registered Trade Union will be a body corporate under the name by which it is registered, with perpetual succession and common seal and the power of acquiring property and enter into contracts. It will also be capable of suing and being sued. After the enactment of the Trade Union Regulation, no such union can be registered under any other enactment.

2. The Regulation will define the objects for which the funds of a Trade Union can be spent, and while leaving full liberty of action in all legitimate fields of activity connected with the administration of the corporation and the fulfilment of its legitimate functions, will still furnish a safeguard against misuse of its resources.

3. Neither a Trade Union nor any officer or member of a Trade Union will be liable to legal proceedings in any Civil Court on account of acts done in contemplation or furtherance of a trade dispute with which the Union is concerned. Agreements between the members of a registered Trade Union will not be void or voidable merely by reason of the fact that they are in restraint of trade.

4. Any person who had attained the age of 15 years may become a member; but no person shall be eligible to be an officer unless he has attained the age of 18 years.

5. Perhaps the most important consideration that arises in regard to the working of a Trade Union is the scope that can be allowed to outsiders in its decisions and policy—meaning by outsiders— persons not actually employed or engaged in any industry with which the Trade Union is concerned. So long as the great majority of our working men are illiterate and ignorant, a certain amount of outside help is necessary. The best course would be to fix the proportion of outside officers at a minimum such as would secure assistance without too much outside influence.

6. A Trade Union can be registered on an application by seven or more persons, accompanied by a copy of the rules and a statement of certain details, including the objects with which the Union has been formed, the purposes for which the funds of the Union will be applicable and the manner in which it may be dissolved. The Registrar has power to call for such additional information as he considers necessary. The Registrar may also refuse registration or cancel registration once granted in case it has been obtained by fraud or mistake, or in case the Trade Union has ceased to exist, or it is found to have committed a breach of some essential rule or condition. In such cases, an appeal is allowed to a Court indicated by Government in this behalf, and there will also be a second appeal to the High Court.

7. For dissolution, a notice signed by seven members and the Secretary has to be sent to the Registrar and if he is satisfied that it is in accordance with the rules of the Trade Union, he shall register it and the dissolution shall have effect from the date of such registration.

8. A set of returns will be prescribed such as will enable the Registrar to keep himself fully informed of the receipts and expenditure, the names of office bearers and the changes, if any, in the rules and regulations of the Trade Union

9. Government will have power to make rules for carrying into effect the provisions of the enactment.

Excepting the minor alterations of a consequential character, the draft Bill closely follows the British Indian Act. The principal departures from that Act are referred to below:—

1. Section 16 of the Indian Act providing for the constitution of a separate fund for political purposes has been omitted in the draft Bill. A political fund is necessary only where there is a regularly organised Labour Political Party. It is not desirable for Trade Unions to get mixed up with politics, at any rate, in the early stage of the movement. Labour in its present condition in India should enlist the good-will of all parties and that it should not ally itself with one party and thus antagonise others. It would be well if the activities of Trade Unions are confined to their immediate object of improving the conditions of Labour.

2. Section 17 of the Indian Act providing for immunity to the Trade Unions or their members from criminal prosecutions is omitted in the draft Bill. There is no section in our Penal Code corresponding to Section 120 B of the Indian Penal Code dealing with Criminal Conspiracy. This is a matter which may, however, be fully verified in the Law Secretariat.

3. Indian Act in Section 22 provides that no less than one-half of the total number of officers of every Trade Union shall be persons actually engaged in the industry with which the Trade Union is concerned. To what extent outsiders should be permitted to influence the working of Trade Union is an important poin for consideration. Except in rare cases in which the guiding outsiders are disinterested persons working entirely for the good of labour, the advice of outsiders dominating the actions of Labour Unions does more harm than good to Labour. Labour in India is mostly ignorant and illiterate and Trade Unions therefore require the help of some outsiders to enable them to express their views. It is desirable to reduce the outside element as far as possible with a view to ensure that the management of a Trade Union is really representative of the views of the workers concerned. Therefore, the proportion of officers of a Trade Union directly engaged in the industry concerned is fixed at three-fourths instead of one-half as in the Indian Act. The Royal Commission on Labour have recommended that two-thirds would be a suitable minimum.

The development of industries has led to the employment of labour on a large scale; and in Mysore, as in the rest of India, labour is manifesting a growing self-consciousness, accompanied with a desire to organise itself for protecting and furthering its interests by collective bargaining, ventilation of grievances and formulation of demands. This movement, which is natural and desirable in itself, has to be recognised and directed on right lines; and to this end it is perhaps necessary to provide for some measure of registration and State control.

Letter dated 3rd—7th February 1935, from Mr. K. Srikantaiya, New Tharagupet, Bangalore City, to the Secretary, Board of Industries and Commerce, Bangalore.

I herewith enclose a consolidated form of my suggestions to amend the Mysore Weights and Measures Regulation and the suggestions are embodied in the amended forms of the Sections and rules submitted herewith.

I hope you will please circulate this amongst the members of the Sub-Committee for Trade, Commerce and Labour before the next meeting of the Sub-Committee.

It is essential if the dealings and contracts are to be fair and just that uniform units of weights and measures must be followed throughout the State. At present the standards of weights and measures that are followed in different parts of the State and also the units of weighment and measure are different. It is therefore essential that the Regulation should be suitably amended so as to provide for the compulsory use of uniform units of weights and measures in all parts of the State.

If, in addition, the Mysore standard weight conforms to the Indian Railway weight, there will be an all India uniformity, fairness and justice in all dealings and contracts.

Moreover since almost all commodities of consumption are Rail-borne transmitted on the basis on Indian Railway weight while transforming this set of weights into our present Mysore weights, miscalculations arise resulting in very great disadvantages to the consumers and others.

It is a commonly well-known commercial fact that everywhere in Northern India, grains and other commodities of daily consumption are sold (whether by retail or wholesale) on the basis of Indian Railway weighments. It would be very advantageous if we in Mysore also adopt this process in trade. One of the chief advantages is that a consumer will be able to know on comparison with the level of prices in outside markets whether or not he is being charged a fair and judicious price.

The balances that are ordinarily used to-day are hand balances by the use of which an unwary consumer will be cheated to nearly 5 to 10 seers for every maund of commodity he purchases. If however, it is enforced that suspended balances (ತೂಕದ ಕೊಡಪ) supplied by a particular firm alone are to be used, it would put an end to deceptions.

Again this Regulation is a technical one; in spite of their vigilence, the official testors are often duped; detection of offences are rendered very difficult. This can be overcome by empowering a group of merchants to punish with fine or imprisonment or both whomsoever that contravenes the provisions of this Regulation.

With these objects in view, the following sections and Rules are amended as follows:—

Section 2 (1).—The Government may, from time to time, by notification in the *Mysore Gazette*, prescribe for the whole of Mysore the standards of Weights and Measures of capacity that shall be followed therein.

Section 3.—The Government may, from time to time, by notification in the *Official Gazette* direct that after a date to be fixed therein, only certified weights and measures of capacity shall be used in all dealings and contracts (whether verbal or otherwise) throughout the State of Mysore and may, in like manner, alter or revoke such direction.

Provided that such direction shall not apply to dealings and contracts based on the British, the Metric and the Indian Railway or any other system of weight or measure of capacity for the exclusion of which provision is made in the rules.

New Section Read as Section 5.—In every dealing or contract based on the system of weights, suspended balances (ತೂಕದ ತೂಪ) alone shall be used.

Section 5 (*Read as Section 6*).—Whoever uses any weight or measure of capacity in contravention of the provisions of Section 3, shall on conviction by a Magistrate or a Tribunal of merchants specially empowered by the Government in this behalf be punishable with fine which may extend to Rs. 50 and for every such subsequent use with fine which may extend to Rs. 100.

Section 6 (*Read as Section 7*).—Whoever knowingly counterfeits any mark prescribed by the rules for certification under Section 3 shall on conviction by a Magistrate or a Tribunal of merchants specially empowered by the Government in this behalf be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Rule 2 of the Notification No. D. 3546—I and C 40-28-46 of 28th September 1928.

The standard of weight shall be the Indian Railway seer which is a mass of metal in the possession of the Government equal in weight to 80 rupees (of 180 grains Troy each) of British Indian Currency.

Rule 4.—Duplicate copies of the standard seer weight and the standard seer measure shall be kept in the Office of the Revenue Commissioner in Mysore, in the Office of the Director of Industries and Commerce in Mysore, in the Office of the Grain Merchants' Association, Bangalore City and the same shall be compared not less often than once every year with the standards preserved in the State Huzur Treasury and corrected if necessary. Registers shall be maintained in the aforesaid offices in which the fact of such comparison and correction shall be entered and certified to by the aforesaid officers and the Officer in charge of the State Huzur Treasury.

Rule 12.—Add "Village Panchayet" after the words "Police Station."

Should the Government be willing to empower a Tribunal of merchants to try offences under this Regulation, this Tribunal should be considered as an agency within the meaning of Section 3 (c) and it should also be empowered to appoint its own testors who shall be recognised by the Government.

NOTE ON THE AMENDMENTS TO THE MYSORE FACTORIES REGULATION.

The Mysore Factories Regulation No. III of 1914 amended by Regulation No. VI of 1925 follows the Indian Factories Act of 1922. The Indian Act was subsequently amended in 1923, 1926 and 1931. The question of amending the Mysore Regulation further so as to bring it into conformity with the Indian Factories Act was taken up about four years ago. There was also an idea of incorporating in the law some of the more important recommendations on the subject of the Royal Commission on labour in India. The Government of India also took up this question and a consolidating and amending Act—"The Factories Act No. XXV of 1934" was passed in August last and this Act came into force on 1st January 1935. The original Act of 1911 and the subsequent amending Acts were repealed.

The Indian Act of 1934 differs from the earlier Acts in several respects. The new Act aims at discriminating in certain important matters between the seasonal and non-seasonal factories. It prescribes a different set of standards applicable to seasonal factories only. In addition to the two age groups into which the factory operatives were previously divided, *i e.*, adults and children, a third age group is introduced in the new Act, *i.e.*, adolescents or young persons. The maximum hours of work in non-seasonal factories have been limited to 10 hours per day and 54 hours per week. In seasonal factories, *i.e.*, factories working for less than 180 days in the year, the hours of work are limited to 11 per day and 60 per week. The maximum hours of work permitted in the case of children are 5 per day both in the seasonal and non-seasonal factories. The new Act introduces for the first time the principles of "spread over," *i.e.*, the limitation of the period or the number of consecutive hours during which the daily limits of hours of work may be availed of by the owner or occupier of a factory. The spread over in the case of adults is limited to 13 consecutive hours and in the case of children to 7½ consecutive hours.

The amendments to be made in the Mysore Factories Regulation to bring it into a line with the Indian Factories Act 1934 are noted below:—

Scope of the Law.—The amendments do not involve any addition to the existing number of factories subject to the Regulation. But the definition of "factory" in the Indian Act makes it clear when an industrial establishment becomes a factory. An establishment becomes a factory when not less than 20 persons were employed on any one day during the preceding 12 months (Sec. 2., Cl. j). Provision is made for distinguishing seasonal factories from the factories working throughout the year. A factory engaged in cotton ginning and pressing, decortication of groundnuts, manufacture of coffee, tea, lac, rubber, sugar, gur, etc., is a seasonal factory. Government may declare a seasonal factory to be a perennial factory when it works for more than 180 days in the year. Similarly, under certain circumstances, any specified factory may be notified as a seasonal factory (Sec. 4 . Where the number of operatives in a factory is less than 20 and it is not likely to be so or more on any day during the ensuing 12 months, such a factory may be exempted from the operation of the Act (Sec. 7).

Health and Safety.—Where the manufacturing processes disseminate large amounts of dust, the adoption of mechanical systems resulting in a constant flow of fresh air would not only conserve their health but also add to the comfort of the operatives. Government may make rules for any class of factories requiring mechanical or other devices to be provided and maintained for preventing the generation or inhalation of gas, dust or other impurities, and specify the nature of such devices (Sec. 14). The artificial humidification in a factory should be so arranged as not to cause discomfort to the operatives. The adoption of specified measures before the date specified can be enforced (Sec. 16). The workers are to be provided with sufficient supply of water for washing with suitable facilities in factories where the manufacturing process involves contact with injurious or abnoxious substances (Sec 19). It is made obligatory for every factory to maintain separate and sufficient latrine and urinal accommodation for men and women in a clean and sanitary condition during all working hours (Sec. 20.) Inspectors are granted powers to call upon the managers of factories to carry out such tests as may be necessary to determine the strength and quality of any specified part of the structure of factories if they are of opinion that on account of any defect or

inadequacy in the construction of any factory, the factory or any part thereof is dangerous to human life or safety. Government may make rules for the furnishing by factories of certificates of stability (Secs. 25 and 26). Government may also require any specified factory in which more than 150 workers are ordinarily employed, an adequate shelter for the use of the workers during periods of rest (Sec. 33). Where a factory employs more than 50 women, it may be required to reserve a suitable room for the use of children under the age of 6 years belonging to such women. Power is taken to make rules providing for the protection of persons employed in hazardous operations that may be specified and the prohibition of the employment of women, children and adolescents in such operations.

Hours of Employment and Holidays.—The Mysore Factories Regulation requires that no person shall be employed in a factory for more than 60 hours in a week or 11 hours a day. The Royal Commission on Labour recommended the reduction to 54 hours a week and the Indian Act accordingly limits the hours of work to 54 hours a week and 10 in a day. In the case of seasonal factories, 60 hours of work a week and 11 hours a day are permitted (Sections 34 and 36). The periods of work of an adult worker in a factory shall be so arranged that they should not spread over more than 13 hours in any day. Provision is made to secure that there is no over-lapping of shifts, *i.e.*, simultaneous employment on work of the same kind of more than one shift of persons. Exemptions from the operation of provisions in regard to the daily and weekly hours of work, rest intervals, spread over should not be in force for more than three years. The Royal Commission advocated that such exemptions should be reviewed frequently and the aim should be to reduce exemptions to the smallest dimensions possible. The Chief Inspector of Factories is permitted to grant exemptions when factories have to deal with an exceptional process of work but such exemptions are for two months only. The pay for overtime work is at one and a half times the ordinary rate of pay. Hours of work for adults should correspond with the notice of periods of work for adults and the entries made in the register of workers.

The daily hours of work for women are limited to 10 as against 11 in our regulation and no exemption is allowed from the operation of this section. Women should not be employed except between 6 A.M. and 7 P.M. No child who has not completed his 12th year is permitted to work in a factory. The minimum age prescribed in our Regulation is 11 years. According to the Indian Act, no child is permitted to work for more than five hours a day. He cannot be employed except between 6 A.M. and 7 P.M. and the spread over should not exceed 7½ hours a day. The hours of work for children in our Regulation are limited to 5½ hours a day. Every child and every adolescent, *i.e.*, a person between 15 and 17 years, should be found fit for employment. An adolescent may be certified as fit to work as an adult and in that case, he should be deemed to be an adult and when he is not so certified, he should be deemed to be a child. The Inspector is permitted to call upon the manager of a factory not to permit a child or adolescent to work until he is again examined and found fit for work. A register of child workers should be maintained in each factory. Government may prescribe the physical standards to be attained by children and adolescents. The parent or guardian of a child is liable to a fine if he permits the double employment of a child, *i.e.*, working in two factories on the same day with different names and certificates. Hours of work for children should correspond with the notice of periods of work and entries made in the register of child workers.

Penalties.—Provision is made in the Indian Act (Section 61) for imposing adequate fines for offences repeated within two years. Where a factory is owned by a firm of individuals or a company, any one of the partners of the firm or director of the company may be prosecuted and punished for offences under the Act (Section 70). When the offence consists of disobeying the order of an Inspector, the limit of time for complaints is extended to 12 months from the date on which the offence is alleged to have been committed.

Notices, Registers, etc.—The Indian Act requires the maintenance of a register of child workers. Power is also taken for making rules requiring occupiers and managers of factories to submit such returns—occasional or periodical—as may be required for the purposes of the Act.

Extract from the proceedings of the meeting of the Board of Industries and Commerce held on 20th March 1935.

---

x x x x x x x x x x

Dharma Pravartha Mr. M.L. Nagappa Setty stated that provision should be made for exempting certain classes of factories such as Coffee pulping works from the operation of the Factories Regulation.

15. Amendments to the Mysore Factories Regulation.

The Chairman observed that they were concerned with the amendment to the Mysore Factories Regulation to bring it into line with the Indian Act. Reference was made to the existing provisions of the law. If an industrial concern came within the purview of the definition of a factory it had to be treated as a factory.

The proposal of Dharma Pravartha Mr. M.L. Nagappa Setty for making provision for granting exemption to certain classes of factories referred to by him was not supported by anyone in the meeting.

The Board finally resolved that amendments might be made in the Mysore Factories Regulation to bring it into line with the Indian Act.

x x x x x x x x x x

" C o p y "

H.K. Ramiengar

Secretary,
Board of Industries and Commerce.

G. R. S. VI.—S-III/14]

DRAFT.

SUBJECT.....

.....

.....

Section. Lg
File No. 63-3
Serial No. 1

Diary No. of letter replied to.....

Proceedings of the Government of H. H. the Maharaja of Mysore.

Order No. P 4749 Exc 1 Book

GENERAL AND REVENUE SECRETARIAT,

( )

, the.....*191*

Ordered that the accompanying Regulation to consolidate & amend the Law regulating labour in factories which received the assent of His Highness the Maharaja, on the eleventh day of January 1936, be published as Regulation No. I of 1936, in the *Mysore Gazette* for general information.

Date of issue.....21/1/36.....

Signed by.....Mr. C.S.J.....

May this be—

(i) Printed?

(ii) Treated as a standing order?

(iii) Published in the "Gazette" English part?

(iv) Translated?

(v) Placed at the disposal of the Press?

(vi) Published in the "Gazette" Kannada part?

Secretary to Government.

To

The Compiler, *Mysore Gazette*, for publication in Part ~~III~~ VI-C of the Gazette, in English and Kannada and for supply of .....spare copies in English, and .....spare copies in Kannada as per ~~to this office, and.....spare copies in English and.....spare copies in Kannada to the Curator, Government Central Book Depot, Bangalore~~. Proofs should be sent to this office for approval before publication.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

~~Read~~:—
~~xxxx~~
xxxx

Order No. P4749/Legn 63-35-1

Dated Bangalore 20th January 193-

-21-

Ordered that the accompanying Regulation to consol and amend the law regulating Labour in Factories which rece the assent of His Highness the Maharaja, on the eleventh da January 1936 be published as Regulation No. I of 1936, in t Mysore Gazette for general information.

General Secretary to Government.

To,

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette, in English and Kannada and for supply spare copies in English and spare copies in Kannada as Standing Orders. Proofs should be sent to this office for approval before publication.

A REGULATION TO CONSOLIDATE AND AMEND THE LAW REGULATING LABOUR IN FACTORIES.

Price 0-2-3

NOTIFICATION.

Order No. P. 4749—Legis. 63-35-1, dated Bangalore, 20th—21st January 1936.

Ordered that the accompanying Regulation to consolidate and amend the law regulating Labour in Factories which received the assent of His Highness the Maharaja, on the eleventh day of January 1936 be published as Regulation No. I of 1936, in the *Mysore Gazette* for general information.

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

REGULATION I OF 1936.

(Received the assent of His Highness the Maharaja on the eleventh day of January 1936.)

A Regulation to consolidate and amend the Law regulating Labour in Factories.

Whereas it is expedient to consolidate and amend the law regulating labour in factories; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Regulation may be called the Mysore Factories Regulation, 1936.

Short title, extent and commencement.

(2) It extends to the whole of Mysore.

(3) It shall come into force on the 1st day of April 1936.

Definitions.

2. In this Regulation, unless there is anything repugnant in the subject or context,

(*a*) "adolescent" means a person who has completed his fifteenth but has not completed his seventeenth year;

(*b*) "adult" means a person who has completed his seventeenth year;

(*c*) "child" means a person who has not completed his fifteenth year;

(*d*) "day" means a period of twenty-four hours beginning at midnight;

(*e*) "week" means a period of seven days beginning at midnight on Saturday night;

(*f*) "power" means electrical energy, and any other form of energy which is mechanically transmitted and is not generated by human or animal agency;

(*g*) "manufacturing process" means any process

(*i*) for making, altering, repairing, ornamenting, finishing or packing, or otherwise treating any article or substance with a view to its use, sale, transport, delivery or disposal, or

(*ii*) for pumping oil, water or sewage, or

(*iii*) for generating, transforming or transmitting power;

(*h*) "worker" means a person employed, whether for wages or not, in any manufacturing process, or in

cleaning any part of the machinery or premises used for a manufacturing process, or in any other kind of work whatsoever incidental to or connected with the manufacturing process, or connected with the subject of the manufacturing process, but does not include any person solely employed in a clerical capacity in any room or place where no manufacturing process is being carried on ;

(*j*) "factory" means any premises including the precincts thereof whereon twenty or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power, or is ordinarily so carried on,

but does not include a mine subject to the operation of the Mysore Mines Regulation, 1906 ;

(*k*) "machinery" includes all plant whereby power is generated, transformed, transmitted or applied ;

(*l*) "occupier" of a factory means the person who has ultimate control over the affairs of the factory,

provided that where the affairs of a factory are entrusted to a managing agent, such agent shall be deemed to be the occupier of the factory ;

(*m*) where work of the same kind is carried out by two or more sets of workers working during different periods of the day, each of such sets is called a "relay," and the period or periods for which it works is called a "shift" ; and

(*n*) "prescribed" means prescribed by rules made by the Government under this Regulation.

Reference time of day.

3. References to time of day in this Regulation are references to Indian Standard Time which is five and a half hours ahead of Greenwich Mean Time.

Seasonal Factories.

4. (1) For the purposes of this Regulation, a factory which is exclusively engaged in one or more of the following manufacturing processes, namely, cotton ginning, cotton pressing, the decortication of groundnuts, the manufacture of coffee, lac, rubber, sugar (including *gur*) or tea, or any manufacturing process which is incidental to or connected with any of the aforesaid processes, is a seasonal factory ;

Provided that the Government may, by notification in the official Gazette, declare any such factory in which manufacturing processes are ordinarily carried on for more than one hundred and eighty working days in the year, not to be a seasonal factory for the purposes of this Regulation.

(2) The Government may, by notification in the official Gazette, declare any specified factory in which manufacturing processes are ordinarily carried on for not more than one hundred and eighty working days in the year and cannot be carried on except during particular seasons or at times dependent on the irregular action of natural forces, to be a seasonal factory for the purposes of this Regulation.

Power to declare premises to be factories.

5. (1) Notwithstanding anything contained in clause (j) of section 2, the Government may, by notification in the official Gazette, declare any premises whereon or within the precincts whereof a manufacturing process is carried on, whether with or without the aid of power, and whereon or within the precincts whereof, on any one day of the twelve months preceding the notification, ten or more workers were employed, to be a factory for all or any of the purposes of this Regulation.

(2) A notification under sub-section (1) may be made in respect of any specified premises or class of premises.

(3) A notification under sub-section (1) shall cease to have effect in respect of any premises after the lapse of twelve months during which not more than nine workers were employed thereon on any day.

Power to declare departments to be separate factories.

6. The Government may, by order in writing, direct that the different departments or branches of a specified factory shall be treated as separate factories for all or any of the purposes of this Regulation.

Power to exempt on a change in the factory.

7. Where the Government is satisfied that, following upon a change of occupier of a factory or in the manufacturing process carried on therein, the number of workers for the time being working in the factory is less than twenty and is not likely to be twenty or more on any day during the ensuing twelve months, it may, by order in writing, exempt such factory from the operation of this Regulation:

Provided that any exemption so granted shall cease to have effect on and after any day on which twenty or more workers work in the factory.

Power to exempt during public emergency.

8. In any case of public emergency, the Government may, by notification in the official Gazette, exempt any factory from any or all of the provisions of this Regulation for such periods as it may think fit.

9. (1) Before work is begun in any factory after the commencement of this Regulation, or before work is begun in any seasonal factory each season, the occupier shall send to the Inspector a written notice containing :— Notice to inspectors before commencement of work.

(*a*) the name of the factory and its situation,
(*b*) the address to which communications relating to the factory should be sent,
(*c*) the nature of the manufacturing processes to be carried on in the factory,
(*d*) the nature and amount of the power to be used, and
(*e*) the name of the person who shall be the manager of the factory for the purposes of this Regulation.

(2) Whenever another person is appointed as manager, the occupier shall send to the Inspector a written notice of the change, within seven days from the date on which the new manager assumes charge.

(3) During any period for which no person has been designated as manager of a factory under this section, or during which the person designated does not manage the factory, any person found acting as manager, or, if no such person is found, the occupier himself, shall be deemed to be the manager of the factory for the purposes of this Regulation.

CHAPTER II.

The Inspecting Staff.

10. (1) The Government may, by notification in the official Gazette, appoint such persons as it thinks fit to be Inspectors for the purposes of this Regulation within such local limits as it may assign to them respectively. Inspectors

(2) The Government may, by notification as aforesaid, appoint any person to be a Chief Inspector, who shall,in addition to the powers conferred on a Chief Inspector under this Regulation, exercise the powers of an Inspector throughout the State.

(3) No person shall be appointed to be an Inspector under sub-section (1) or a Chief Inspector under sub-section (2) or, having been so appointed, shall continue to hold office, who is or becomes directly or indirectly interested in a factory or in any process or business

carried on therein or in any patent or machinery connected therewith.

(4) Every District Magistrate shall be an Inspector for his district.

(5) The Government may also, by notification as aforesaid, appoint such public officers as it thinks fit to be additional Inspectors for all or any of the purposes of this Regulation, within such local limits as it may assign to them respectively.

(6) In any area where there are more Inspectors than one, the Government may, by notification as aforesaid, declare the powers which such Inspectors shall respectively exercise, and the Inspector to whom the prescribed notices are to be sent.

(7) Every Chief Inspector and Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code, as in force in Mysore and shall be officially subordinate to such authority as the Government may specify in this behalf.

Powers of Inspector

11. Subject to any rules made by the Government in this behalf, an Inspector may, within the local limits for which he is appointed,—

(*a*) enter with such assistants (if any), being persons in the employment of the Government or of any municipal or other public authority as he thinks fit, any place which is, or which he has reason to believe to be, used as a factory or capable of being declared to be a factory under the provisions of section 5;

(*b*) make such examination of the premises and plant and of any prescribed registers and take on the spot or otherwise such evidence of any persons as he may deem necessary for carrying out the purposes of this Regulation; and

(*c*) exercise such other powers as may be necessary for carrying out the purposes of this Regulation:

Provided that no one shall be required under this section to answer any question or give any evidence tending to criminate himself.

Certifying surgeons.

12. (1) The Government may appoint such registered medical practitioners as it thinks fit to be certifying surgeons for the purposes of this Regulation within such local limits as it may assign to them respectively

(2) A certifying surgeon may authorise any

registered medical practitioner to exercise any of his powers under this Regulation :

Provided that a certificate of fitness for employment granted by such authorised practitioner shall be valid for a period of three months only, unless it is confirmed by the certifying surgeon himself after examination of the person concerned.

Explanation.—In this section a "registered medical practitioner" means any person registered under the Mysore Medical Registration Regulation of 1931.

CHAPTER III.

Health and Safety.

Cleanliness.

13. Every factory shall be kept clean and free from effluvia arising from any drain, privy or other nuisance, and shall be cleansed at such times and by such methods as may be prescribed and these methods may include lime-washing or colour-washing, painting, varnishing, disinfecting and deodorizing.

Ventilation.

14. (1) Every factory shall be ventilated in accordance with such standards and by such methods as may be prescribed.

(2) Where gas, dust or other impurity is generated in the course of work, adequate measures shall be taken to prevent injury to the health of workers.

(3) If it appears to the Inspector that in any factory gas, dust or other impurity generated in the course of work is being inhaled by the workers to an injurious extent, and that such generation or inhalation could be prevented by the use of mechanical or other devices, he may serve on the manager of the factory an order in writing, directing that mechanical or other devices for preventing such generation or inhalation shall be provided before a specified date, and shall thereafter be maintained in good order and used throughout working hours.

(4) The Government may make rules for any class of factories requiring mechanical or other devices to be provided and maintained for preventing the generation or inhalation of gas, dust or other impurities, which may be injurious to workers and specifying the nature of such devices.

Artificial humidification.

15. (1) The Government may make rules—

(*a*) prescribing standards for the cooling properties of the air in factories in which the humidity of the air is artificially increased;

(*b*) regulating the methods used for artificially increasing the humidity of the air; and

(*c*) directing prescribed tests for determining the humidity and cooling properties of the air to be carried out and recorded.

(2) In any factory in which the humidity of the air is artificially increased, the water used for the purpose shall be taken from a public supply or other source of drinking water, or shall be effectively purified before it is so used.

(3) If it appears to the Inspector that the water used in a factory for increasing humidity which is required to be effectively purified under sub-section (2) is not effectively purified, he may serve on the manager of the factory an order in writing, specifying the measures which in his opinion should be adopted, and requiring them to be carried out before a specified date.

16. If it appears to the Chief Inspector or to an Inspector specially authorised in this behalf by the Government that the cooling properties of the air in any factory are at times insufficient to secure workers against injury to health or against serious discomfort, and that they can be to a great extent increased by measures which will not involve an amount of expense which is unreasonable in the circumstances, the Chief Inspector may serve on the manager of the factory an order in writing, specifying the measures which in his opinion should be adopted and requiring them to be carried out before a specified date.

17. In order that no room in a factory shall be crowded during working hours to a dangerous extent or to an extent which may be injurious to the health of the workers, the proportion which the number of cubic feet of space in a room and the number of superficial feet of its floor area bears to the number of workers working at any time therein shall not be less than such standards as may be prescribed either generally or for the particular class of work carried on in the room.

18. (1) A factory shall be sufficiently lighted during all working hours.

(2) If it appears to the Inspector that any factory is not sufficiently lighted, he may serve on the manager of the factory an order in writing, specifying the measures which in his opinion should be adopted, and requiring them to be carried out before a specified date.

(3) The Government may make rules requiring that all factories of specified classes shall be lighted in accordance with prescribed standards.

Water

19. (1) In every factory a sufficient supply of water fit for drinking shall be provided for the workers at suitable places.

(2) The supply required by sub-section (1) shall comply with such standards as may be prescribed.

(3) In every factory in which any process involving contact by the workers with injurious or abnoxious substances is carried on, a sufficient supply of water suitable for washing shall be provided for the use of workers, at suitable places and with facilities for its use, according to such standards as may be prescribed.

Latrines and urinals.

20. For every factory sufficient latrines and urinals, according to the prescribed standards, shall be provided, for male workers and for female workers separately, of suitable patterns and at convenient places as prescribed, and shall be kept in a clean and sanitary condition during all working hours.

Doors to open outwards.

21. In every factory the doors of each room in which more than twenty persons are employed shall, except in the case of sliding doors, be constructed so as to open outwards, or, where the door is between two rooms, in the direction of the nearest exit from the building, and no such door shall be locked or obstructed while any work is being carried on in the room.

Precautions against fire.

22. In every factory such precautions against fire shall be taken as may be prescribed.

Means of escape

23. (1) Every factory shall be provided with such means of escape in case of fire as can reasonably be required in the circumstances of each factory.

(2) If it appears to the Inspector that any factory is not so provided, he may serve on the manager of the factory an order in writing, specifying the measures which in his opinion should be adopted, and requiring them to be carried out before a specified date.

(3) The means of escape shall not be obstructed while any work is being carried on in the factory.

Fencing.

24. (1) In every factory the following shall be kept adequately fenced, namely:

(*a*) every exposed moving part of a prime mover and every flywheel directly connected to a prime mover,

(*b*) every hoist or lift, hoist-well or lift-well and every trap-door or similar opening near which any person may have to work or pass, and

(*c*) every part of the machinery which the Government may prescribe to be kept fenced.

(2) If it appears to the Inspector that any other part of the machinery in a factory is dangerous if not adequately fenced, he may serve on the manager of the factory an order in writing, specifying the measures which in his opinion should be adopted, and requiring them to be carried out before a specified date.

(3) All fencing required by or under this section or under sub-section (1) of section 26 shall be maintained in an efficient state at all times when the workers have access to the parts required to be fenced except where they are under repair or are under examination in connection with repair or are necessarily exposed for the purpose of cleaning or lubricating or altering the gearing or arrangements of the machinery.

(4) Such further provisions as may be prescribed shall be made for the protection from danger of persons employed in attending to the machinery in a factory.

Power to require specifications of defective parts or tests of stability.

25. If it appears to the Inspector that any building or part of a building or any part of the ways, machinery or plant in a factory is in such a condition that it may be dangerous to human life or safety, he may serve on the manager of the factory an order in writing requiring him before a specified date—

(*a*) to furnish such drawings, specifications and other particulars as may be necessary to determine whether such building, ways, machinery or plant can be used with safety, or

(*b*) to carry out such tests as may be necessary to determine the strength or quality of any specified parts and to inform the Inspector of the results thereof.

Safety of buildings and machinery.

26. (1) If it appears to the Inspector that any building or part of a building or any part of the ways machinery or plant in a factory is in such a condition that it is dangerous to human life or safety, he may serve on the manager of the factory an order in writing specifying

the measures which in his opinion should be adopted, and requiring them to be carried out before a specified date.

(2) If it appears to the Inspector that the use of any building, or part of a building, or of any part of the ways, machinery or plant in a factory involves imminent danger to human life or safety, he may serve on the manager of the factory an order in writing prohibiting its use until it has been properly repaired or altered.

Restrictions on work near machinery in motion.

27. (1) No woman or child shall be allowed to clean or oil any part of the machinery of a factory while that part is in motion under power, or to work between moving parts or between fixed and moving parts of any machinery which is in motion under power.

(2) The Government may, by notification in the official Gazette, prohibit, in any specified factory or class of factories, the cleaning or oiling by any person of specified parts of machinery when these parts are in motion under power.

Power to exclude children.

28 (1) The Government may make rules prohibiting the admission to any specified class of factories, or to specified parts thereof, of children who cannot be lawfully employed therein.

(2) If it appears to the Inspector that the presence in any factory or part of a factory of children who cannot be lawfully employed therein may be dangerous to them or injurious to their health, he may serve on the manager of the factory an order in writing directing him to prevent the admission of such children to the factory or any part of it.

Prohibition of employment of women and children near cotton-openers.

29. No woman or child shall be employed in any part of a factory for pressing cotton in which a cotton-opener is at work;

Provided that, if the feed-end of a cotton-opener is in a room separated from the delivery end by a partition extending to the roof, or to such height as the Inspector may in any particular case specify in writing, women and children may be employed on the side of the partition where the feed-end is situated.

Notice of certain accidents.

30. Where in any factory an accident occurs which causes death, or which causes any bodily injury whereby any person injured is prevented from resuming his work in the factory during the forty-eight hours after the accident occurred, or which is of any nature which may be prescribed in this behalf, the manager of the factory shall send

notice thereof to such authorities, and in such form, and within such time, as may be prescribed.

31. (1) The manager of a factory on whom an order in writing by an Inspector has been served under the provisions of this Chapter, or the occupier of the factory, may, within thirty days of the service of the order, appeal against it to the Government, or to such authority as the Government may appoint in this behalf; and the Government or appointed authority may, subject to rules made in this behalf by the Government, confirm, modify or reverse the order.

(2) The appellate authority may, and if so required in the petition or appeal shall, hear the appeal with the aid of assessors, one of whom shall be appointed by the appellate authority and the other by such body representing the industry concerned as the Government may prescribe in this behalf:

Provided that if no assessor is appointed by such body, or if the assessor so appointed fails to attend at the time and place fixed for hearing the appeal, the appellate authority may, unless satisfied that the failure to attend is due to sufficient cause, proceed to hear the appeal without the aid of such assessor, or, if it thinks fit, without the aid of any assessor.

(3) In the case of an appeal against an order under section 16 the appellate authority shall, and in any other case except an appeal against an order under sub-section (2) of section 26 or sub-section (2) of section 28 the appellate authority may, suspend the order appealed against pending the decision of the appeal, subject however to such conditions as to partial compliance or the adoption of temporary measures as it may choose to impose in any case.

Power of Government to make rules to supplement this Chapter.

32. The Government may make rules—

(*a*) providing for any matter which according to any of the provisions of this Chapter, is or may be prescribed;

(*b*) requiring the managers of factories to maintain stores of first-aid appliances and provide for their proper custody;

(*c*) providing against danger arising from the use of mechanical transport in factories, other than railways subject to the Mysore Railways Regulation, 1894;

(*d*) prescribing the manner of the service of orders under this Chapter on managers of factories;

(*e*) regulating the procedure to be followed in presenting and hearing appeals under section 31, and the appointment and remuneration of assessors;

(*f*) regulating the exercise by Inspectors of their powers under this Chapter; and

(*g*) providing for any other matter which may be expedient in order to give effect to the provisions of this Chapter.

Additional power to make health and safety rules relating to—

shelters during rest,—

33. (1) The Government may make rules requiring that in any specified factory, wherein more than one hundred and fifty workers are ordinarily employed, an adequate shelter shall be provided for the use of workers during periods of rest, and such rules may prescribe the standards of such shelters.

rooms for children,—

(2) The Government may also make rules—

(*a*) requiring that in any specified factory, wherein more than fifty women workers are ordinarily employed, a suitable room shall be reserved for the use of children under the age of six years belonging to such women, and

(*b*) prescribing the standards for such room and the nature of the supervision to be exercised over the children therein.

certificates of stability,—

(3) The Government may also make rules, for any class of factories and for the whole or any part of Mysore requiring that work on a manufacturing process carried on with the aid of power shall not be begun in any building or part of a building erected or taken into use as a factory after the commencement of this Regulation until a certificate of stability in the prescribed form, signed by a person possessing the prescribed qualifications, has been sent to the Inspector.

hazardous operations.

(4) Where the Government is satisfied that any operation in a factory exposes any person employed upon it to a serious risk of bodily injury, poisoning or disease, it may make rules applicable to any factory or class of factories in which the operation is carried on—

(*a*) specifying the operation and declaring it to be hazardous,

(*b*) prohibiting or restricting the employment o women, adolescents or children upon the operation,

(*c*) providing for the medical examination of persons employed or seeking to be employed upon the operation and prohibiting the employment o persons not certified as fit for such employ ment, and

(*d*) providing for the protection of all persons employed upon the operation or in the vicinity of the place where it is carried on.

CHAPTER IV

RESTRICTIONS ON WORKING HOURS OF ADULTS.

Weekly hours.

34. No adult worker shall be allowed to work in a factory for more than fifty-four hours in any week, or, where the factory is a seasonal one, for more than sixty hours in any week:

Provided that an adult in a non-seasonal factory engaged in work which for technical reasons must be continuous throughout the day may work for fifty-six hours in any week.

Weekly holidays.

35. (1) No adult worker shall be allowed to work in a factory on a Sunday unless—

(*a*) he has had or will have a holiday for a whole day on one of the three days immediately before or after that Sunday, and

(*b*) the manager of the factory has, before that Sunday or the substituted day, whichever is earlier,

(i) delivered a notice to the office of the Inspector of his intention to require the worker to work on the Sunday and of the day which is to be substituted, and

(ii) displayed a notice to that effect in the factory

Provided that no substitution shall be made which will result in any worker working for more than ten days consecutively without a holiday for a whole day.

(2) Notices given under sub-section (1) may be cancelled by a notice delivered to the office of the Inspector and a notice displayed in the factory not later than the day before the Sunday or the holiday to be cancelled, whichever is earlier.

(3) Where, in accordance with the provisions of sub-section (1), any worker works on a Sunday and has had a holiday on one of the three days immediately before it, that Sunday shall, for the purpose of calculating his weekly hours of work, be included in the preceding week.

Daily hours.

36. No adult worker shall be allowed to work in a factory for more than ten hours in any day:

Provided that a male adult worker in a seasonal factory may work for eleven hours in any day.

Intervals for rest.

37. The periods of work of adult workers in a factory during each day shall be fixed either—

(*a*) so that no period shall exceed six hours, and so that no worker shall work for more than six hours before he has had an interval for rest of at least one hour; or

(*b*) so that no period shall exceed five hours and so that no worker shall work for more than five hours before he has had an interval for rest of at least half an hour, or for more than eight and a half hours before he has had at least two such intervals.

Spread over.

38. The periods of work of an adult worker in a factory shall be so arranged that, along with his intervals for rest under section 37, they shall not spread over more than thirteen hours in any day, save with the permission of the Government and subject to such conditions as it may impose, either generally or in the case of any particular factory.

Notice of Periods for Work for Adults and preparation thereof.

39. There shall be displayed and correctly maintained in every factory in accordance with the provisions of sub-section (2) of section 76, a Notice of Periods for Work for Adults showing clearly the periods within which adult workers may be required to work.

(2) The periods shown in the Notice required by sub-section (1) shall be fixed beforehand in accordance with the following provisions of this section and shall be such that workers working for those periods would not be working in contravention of any of the provisions of sections 34, 35, 36, 37 and 38.

(3) Where all the adult workers in a factory are required to work within the same periods, the manager of the factory shall fix those periods for such workers generally.

(4) Where all the adult workers in a factory are not required to work within the same periods, the manager

of the factory shall classify them into groups according to the nature of their work.

(5) For each group which is not required to work on a system of shifts, the manager of the factory shall fix the periods within which the group may be required to work.

(6) Where any group is required to work on a system of shifts and the relays are not to be subject to predetermined periodical changes of shift, the manager of the factory shall fix the periods within which each relay of the group may be required to work.

(7) Where any group is to work on a systeim of shifts and the relays are to be subject to predetermined periodical changes of shifts, the manager of the factory shall draw up a scheme of shifts whereunder the periods within which any relay of the group may be required to work and the relay which will be working at any time of the day shall be known for any day.

(8) The Government may make rules prescribing forms for the Notice of Periods for Work for Adults and the manner in which it shall be maintained.

Copy of Notice of Periods for Work to be sent to Inspector.

40. (1) A copy of the Notice referred to in subsection (1) of section 39 shall be sent in duplicate to the Inspector within fourteen days after the commencement of this Regulation or, if the factory begins work after the commencement of this Regulation, before the day on which it begins work.

(2) Any proposed change in the system of work in a factory which will necessitate a change in the Notice shall be notified to the Inspector in duplicate before the change is made, and, except with the previous sanction of the Inspector, no such change shall be made until one week has elapsed since the last change.

Register of Adult Workers.

41. (1) The manager of every factory shall maintain a Register of Adult Workers showing—

(*a*) the name of each adult worker in the factory,

(*b*) the nature of his work,

(*c*) the group, if any, in which he is included,

(*d*) where his group works on shifts, the relay to which he is allotted, and

(*e*) such other particulars as may be prescribed

Provided that, if the Inspector is of opinion that any muster roll or register maintained as part of the routine of a factory gives in respect of any or all of the workers

in the factory the particulars required under this section, he may, by order in writing, direct that such muster roll or register shall to the corresponding extent be maintained in place of and be treated as the Register of Adult Workers in that factory:

Provided further that, where the Government is satisfied that the conditions of work in any factory or class of factories are such that there is no appreciable risk of contravention of the provisions of this Chapter in the case of that factory or factories of that class, as the case may be, the Government may, by written order, exempt, on such conditions as it may impose, that factory or all factories of that class, as the case may be, from the provisions of this section.

(2) The Government may make rules prescribing the form of the Register of Adult Workers, the manner in which it shall be maintained and the period for which it shall be preserved.

Hours of work to correspond with Notice under section 39 and Register under section 41.

42. No adult worker shall be allowed to work otherwise than in accordance with the Notice of Periods for Work for Adults displayed under sub-section (1) of section 39 and the entries made beforehand against his name in the Register of Adult Workers maintained under section 41.

Power to make rules exempting from restrictions.

43. (1) The Government may make rules defining the persons who hold positions of supervision or management or are employed in a confidential position in a factory, and the provisions of this Chapter other than the provisions of clause (b) of sub-section (1) of section 45 and the provisos to that sub-section, shall not apply to any person so defined.

(2) The Government may make rules for adult workers providing for the exemption, to such extent and subject to such conditions, as may be prescribed in such rules —

(*a*) of workers engaged on urgent repairs—from the provisions of sections 34, 35, 36, 37 and 38;

(*b*) of workers engaged in work in the nature of preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of the factory—from the provisions of sections 34, 36 37 and 38;

(*c*) of workers engaged in work which is necessarily so intermittent that the intervals during

which they do not work while on duty ordinarily amount to more than the intervals for rest required under section 37—from the provisions of sections 34, 36, 37 and 38

(*d*) of workers engaged in any work which for technical reasons must be carried on continuously throughout the day from the provisions of sections 34, 35, 36, 37 and 38;

(*e*) of workers engaged in making or supplying articles of prime necessity which must be made or supplied every day—from the provisions of section 35;

(*f*) of workers engaged in a manufacturing process which cannot be carried on except during fixed seasons—from the provisions of section 35,

(*g*) of workers engaged in a manufacturing process which cannot be carried on except at times dependent on the irregular action of natural forces—from the provisions of section 35 and section 37; and,

(*h*) of workers engaged in engine-rooms or boiler-houses—from the provisions of section 35.

(3) Rules made under sub-section (2) providing for exemption may also provide for any consequential ption from the provisions of sections 39 and 40 which the Government may deem to be expedient, subject to such conditions as it may impose.

(4) In making rules under this section the Govern ment shall prescribe the maximum limits for the weekly hours of work for all classes of workers, and any exemptio given, other than an exemption under clause (*a*) of sub section (2), shall be subject to such limits

(5) Rules made under this section shall remain in force for not more than three years.

Power to make orders exempting from restrictions.

14. (1) Where the Government is satisfied that, owing to the nature of the work carried on or to other circumstances, it is unreasonable to require that the periods of work of any adult workers in any factory or class of factories should be fixed beforehand, it may, by written order, relax or modify the provisions of sections 39 and 40 in respect of such workers to such extent and in such manner as it may think fit, and subject to such conditions as it may deem expedient to ensure control over periods of work

(2) The Government, or subject to the control of the Government the Chief Inspector, may, by written order, exempt, on such conditions as it or he may deem expedient, any or all of the adult workers in any factory, or group or class of factories, from any or all of the provisions of sections 34, 35, 36, 37, 38, 39 and 40, on the ground that the exemption is required to enable the factory or factories to deal with an exceptional press of work.

(3) Any exemption given under sub-section (2) in respect of weekly hours of work shall be subject to the maximum limits prescribed under sub-section (4) of section 43.

(4) An order under sub-section (2) shall remain in force for such period as it may specify, but in no case for more than two months from the date on which notice thereof is given to the manager of the factory.

Further restrictions on the employment of women.

45. The provisions of this Chapter shall, in their application to women workers in factories, be supplemented by the following further restrictions, namely :—

(*a*) no exemption from the provisions of section 36 may be granted in respect of any woman ; and

(*b*) no woman shall be allowed to work in a factory except between 6 A.M. and 7 P.M.

Provided that the Government may, by notification in the official Gazette, in respect of any class or classes of factories and for the whole year or any part of it, vary the limits laid down in clause (*b*) to any span of thirteen hours between 5 A.M. and 7 P.M.

Provided further that, in respect of any seasonal factory or class of seasonal factories in a specified area, the Government may make rules imposing a further restriction by defining the period or periods of the day, within which women may be allowed to work, such that the period or periods so defined shall lie within the span fixed by clause (*b*) or under the above proviso and shall not be less than ten hours in the aggregate.

Special provision for night shifts.

46. Where a worker works on a shift which extends over midnight, the ensuing day for him shall be deemed to be the period of twenty-four hours beginning when such shift ends, and the hours he has worked after midnight shall be counted towards the previous day.

Provided that the Government may, by order in writing, direct that in the case of any specified factory or any specified class of workers therein the ensuing day

shall be deemed to be the period of twenty-four hours beginning when such shift begins and that the hours worked before mid-night shall be counted towards the ensuing day.

Extra pay for Overtime.

47. (1) Where a worker in any factory works for more than sixty hours in any week,

or where a worker in a factory other than a seasonal factory works for more than ten hours in any day

he shall be entitled in respect of the overtime worked to pay at the rate of one and a half times his ordinary rate of pay.

(2) Where a worker in a factory other than a seasonal factory works for more hours in any week than are permitted under section 34, he shall be entitled, in respect of the overtime worked excluding any overtime in respect of which he is entitled to extra pay under sub-section (1), to pay at the rate of one and a quarter times his ordinary rate of pay.

(3) Where any workers are paid on a piece rate basis, the Government in consultation with the industry concerned may for the purposes of this section fix time rates as nearly as possible equivalent to the average rate of earnings of those workers, and the rates so fixed shall be deemed to be the ordinary rates of pay of those workers for the purposes of this section.

(4) The Government may prescribe the registers that shall be maintained in a factory for the purpose of securing compliance with the provisions of this section.

Restriction on double employment.

48. No adult worker shall be allowed to work in any factory on any day on which he has already been working in any other factory, save in such circumstances as may be prescribed.

Control of overlapping shifts.

49. The Government may make rules providing that in any specified class or classes of factories work shall not be carried on by a system of shifts so arranged that more than one relay of workers is engaged in work of the same kind at the same time, save with the permission of the Government and subject to such conditions as it may impose, either generally or in the case of any particular factory.

CHAPTER V.

SPECIAL PROVISIONS FOR ADOLESCENTS AND CHILDREN.

Prohibition of employment of young children.

50. No child who has not completed his twelfth year shall be allowed to work in any factory.

Non-adult workers to carry tokens giving reference to certificates of fitness.

51. No child who has completed his twelfth year and no adolescent shall be allowed to work in any factory unless—

(*a*) a certificate of fitness granted to him under section 52 is in the custody of the manager of the factory, and

(*b*) he carries while he is at work a token giving a reference to such certificate.

Certificates of fitness.

52. (1) A certifying surgeon shall, on the application of any young person who wishes to work in a factory, or of the parent or guardian of such person, or of the manager of the factory in which such person wishes to work, examine such person and ascertain his fitness for such work.

(2) The certifying surgeon, after examination, may grant to such person, in the prescribed form —

(*a*) a certificate of fitness to work in a factory as a child, if he is satisfied that such person has completed his twelfth year, that he has attained the prescribed physical standards (if any), and that he is fit for such work; or

(*b*) a certificate of fitness to work in a factory as an adult, if he is satisfied that such person has completed his fifteenth year and is fit for a full day's work in a factory.

(3) A certifying surgeon may revoke any certificate granted under sub-section (2), if in his opinion, the holder of it is no longer fit to work in the capacity stated therein in a factory.

(4) Where a certifying surgeon or a practitioner authorised under sub-section (2) of section 12 refuses to grant a certificate or a certificate of the kind requested, or revokes a certificate, he shall, if so requested by any person who could have applied for the certificate, state his reasons in writing for so doing.

Effect of certificate granted to adolescent.

53. (1) An adolescent who has been granted a certificate of fitness to work in a factory as an adult, under clause (*b*) of sub-section (2) of section 52, and who,

while at work in a factory, carries a token giving reference to the certificate, shall be deemed to be an adult for all the purposes of Chapter IV.

(2) An adolescent who has not been granted a certificate of fitness to work in a factory as an adult under sub-section (2) of section 52, shall, notwithstanding his age, be deemed to be a child for the purposes of this Regulation.

Restrictions on the working hours of a child.

54. (1) No child shall be allowed to work in a factory for more than five hours in any day.

(2) The hours of work of a child shall be so arranged that they shall not spread over more than seven and a half hours in any day.

(3) No child shall be allowed to work in a factory except between 6 A.M. and 7 P.M.

Provided that the Government may, by notification in the official Gazette, in respect of any class or classes of factories and for the whole year or any part of it, vary these limits to any span of thirteen hours between 5 A.M. and 7 P.M.

(4) The provisions of section 35 shall apply also to child workers, but no exemption from the provisions of that section may be granted in respect of any child.

(5) No child shall be allowed to work in any factory on any day on which he has already been working in another factory.

Notice of Periods for Work for Children.

55. (1) There shall be displayed and correctly maintained in every factory, in accordance with the provisions of sub-section (2) of section 76, a Notice of Periods for Work for Children, showing clearly the periods within which children may be required to work.

(2) The periods shown in the Notice required by sub-section (1) shall be fixed beforehand in accordance with the method laid down for adults in section 39 and shall be such that children working for those periods would not be working in contravention of section 54.

(3) The provisions of section 40 shall apply also to the Notice of Periods for Work for Children.

(4) The Government may make rules, prescribing forms for the Notice of Periods for Work for Children and the manner in which it shall be maintained.

56. (1) The manager of every factory in which children are employed shall maintain a Register of Child Workers showing—

(*a*) the name of each child worker in the factory,
(*b*) the nature of his work,
(*c*) the group, if any, in which he is included,
(*d*) where his group works on shifts, the relay to which he is allotted.
(*e*) the number of his certificate of fitness granted under section 52, and
(*f*) such other particulars, as may be prescribed.

(2) The Government may make rules prescribing the form of the Register of Child Workers, the manner in which it shall be maintained, and the period for which it shall be preserved.

Hours of work to correspond with Notice and Register

57. No child shall be allowed to work otherwise than in accordance with the Notice of Periods for Work for Children displayed under sub-section (1) of section 55 and the entries made beforehand against his name in the Register of Child Workers maintained under sub-section (1) of section 56.

Power to require medical examination.

58. Where an Inspector is of opinion—

(*a*) that any person working in a factory without a certificate of fitness is a child or an adolescent, or

(*b*) that a child or adolescent working in a factory with a certificate is no longer fit to work in the capacity stated therein,

he may serve on the manager of the factory a notice requiring that such person, or that such child or adolescent, as the case may be, shall be examined by a certifying surgeon or by a practitioner authorised under sub-section (2) of section 12, and such person, child or adolescent shall not, if the Inspector so directs, be allowed to work in any factory until he has been so examined and has been granted a certificate of fitness or a fresh certificate of fitness, as the case may be.

Power to make rules.

59. (1) The Government may make rules—

(*a*) prescribing the forms of certificates of fitness to be granted under section 52, providing for the grant of duplicates in the event of loss of the original certificates, and fixing the fees which may be charged for such certificates and such duplicates;

(*b*) prescribing the physical standards to be attained by children and adolescents;

(*c*) regulating the procedure of certifying surgeons under this Chapter, and specifying other duties which they

may be required to perform in connection with the employment of children and adolescents in factories; and

(*d*) providing for any other matter which may be expedient in order to give effect to the provisions of this Chapter.

(2) The Government may also make rules requiring that in any specified factory wherein more than fifty children are ordinarily employed, provision shall be made for the education of such childern in such subjects and up to such standards, as may be prescribed or approved by the Government.

CHAPTER VI.

PENALTIES AND PROCEDURE.

60. If in any factory—

(*a*) there is any contravention—

(*i*) of any of the provisions of sections 13 to 29 inclusive, or

(*ii*) of any order made under any of the said sections, or

(*iii*) of any of the said sections read with rules made in pursuance thereof under clause (a) of section 32, or

(*iv*) of any rule made under any of the said sections or under clause (*b*), clause (*c*), or clause (*g*) of section 32 or section 33, or

(*v*) of any condition imposed under sub-section (3) of section 31, or

(*b*) any person is allowed to work in contraven-

(*i*) of any of the provisions of sections 34 to 38 inclusive, 42, 45 and 48, or

(*ii*) of any rule made under any of the said sections, or under section 49, or

(*iii*) of any condition attached to any exemption granted under section 43 or section 44 or to any permission granted under section 38 or section 49, or

(*c*) there is any contravention of any of the provisions of sections 39 to 41 inclusive or of any rule made under section 39, section 41 or section 47, or of any condition attached to any exemption granted under

section 41 or to any modification or relaxation made under section 44, or

(*d*) any person is not paid any extra pay to which he is entitled under the provisions of section 47, or

(*e*) any adolescent or child is allowed to work in contravention of any of the provisions of sections 50, 51, 54, 55, 57 and 58, or

(*f*) there is any contravention of section 55 or section 56 or of any rules made under either of these sections, or under clause (*d*) of section 59,

or (*g*) there is any contravention of any rules made under sub-section (2) of section 59,

the manager and occupier of the factory shall each be punishable with fine which may extend to five hundred rupees:

Provided that if both the manager and the occupier are convicted, the aggregate of the fines inflicted in respect of the same contravention shall not exceed this amount.

Enhanced penalty in certain cases after previous conviction.

61. If any person who has been convicted of any offence punishable under clauses (*b*) to (*f*) inclusive of section 60 is again guilty of an offence involving a contravention of the same provision, he shall be punishable on the second conviction with fine which may extend to seven hundred and fifty rupees and shall not be less than one hundred rupees, and if he is again so guilty, shall be punishable on the third or any subsequent conviction with fine which may extend to one thousand rupees and shall not be less than two hundred and fifty rupees:

Provided that for the purposes of this section no cognizance shall be taken of any conviction made more than two years before the commission of the offence which is being punished:

Provided further that the Court, if it is satisfied that there are exceptional circumstances warranting such a course, may, after recording its reasons in writing, impose a smaller fine than is required by this section.

Penalty for failure to give notice of commencement of work or of change of manager.

62. An occupier of a factory who fails to give any notice required by sub-section (1) or sub-section (2) of section 9 shall be punishable with fine which may extend to five hundred rupees.

Penalty for obstructing Inspector.

63. Whoever wilfully obstructs an Inspector in the exercise of any power under section 11, or fails to produce

on demand by an Inspector any registers or other documents in his custody kept in pursuance of this Regulation or of any of the rules made thereunder, or conceals or prevents any worker in a factory from appearing before or being examined by an Inspector, shall be punishable with fine which may extend to five hundred rupees.

Penalty for failure to give notice of accidents.

64. A manager of a factory who fails to give notice of an accident, as required under section 30, shall be punishable with fine which may extend to five hundred rupees.

Penalty for failure to make returns.

65. If in respect of any factory any return is not furnished as required under section 77, the manager and the occupier of the factory shall each be liable to fine which may extend to five hundred rupees.

Provided that if both the manager and the occupier are convicted, the aggregate of the fines inflicted shall not exceed this amount.

Penalty for smoking or using naked light in vicinity of inflammable material.

66. Whoever smokes, or uses a naked light or causes or permits any such light to be used in the vicinity of any inflammable material in a factory shall be punishable with fine which may extend to five hundred rupees.

Exception.—This provision does not extend to the use, in accordance with such precautions as may be prescribed, of a naked light in the course of a manufacturing process.

Penalty for using false certificate.

67. Whoever knowingly uses or attempts to use, as a certificate granted to himself under section 52, a certificate granted to another person under that section, or who, having procured such a certificate, knowingly allows it to be used, or an attempt to use it to be made, by another person shall be punishable with fine which may extend to twenty rupees.

Penalty on guardian for permitting double employment of a child.

68. If a child works in a factory on any day on which he has already been working in another factory, the parent or guardian of the child or the person having custody of or control over him, or obtaining any direct benefit from his wages, shall be punishable with fine which may extend to twenty rupees, unless it appears to the Court that the child so worked without the consent, connivance or wilful default of such parent, guardian or person.

Penalty for failure to display certain notices.

69. A manager of a factory who fails to display the notice required under sub-section (1) of section 76 or by any rule made under this Regulation or to display or

maintain any such notice as required by sub-section (2) of that section, shall be punishable with fine which may extend to five hundred rupees.

Determination of "occupier" for purposes of this Chapter.

70. (1) Where the occupier of a factory is a firm or other association of individuals, any one of the individual partners or members thereof may be prosecuted and punished under this Chapter for any offence for which the occupier of the factory is punishable.

Provided that the firm or association may give notice to the Inspector that it has nominated one of its members who is resident in Mysore to be the occupier of the factory for the purposes of this Chapter, and such individual shall so long as he is so resident be deemed to be the occupier for the purposes of this Chapter until further notice cancelling his nomination is received by the Inspector or until he ceases to be a partner or member of the firm or association.

(2) Where the occupier of a factory is a company, any one of the directors thereof, or, in the case of a private company, any one of the shareholders thereof, may be prosecuted and punished under this Chapter for any offence for which the occupier of the factory is punishable.

Provided that the company may give notice to the Inspector that it has nominated a director, or in the case of a private company, a shareholder, who is resident in either case in Mysore, to be the occupier of the factory for the purposes of this Chapter, and such director or shareholder shall so long as he is so resident be deemed to be the occupier of the factory for the purposes of this Chapter until further notice cancelling his nomination is received by the Inspector or until he ceases to be a director or shareholder.

Exemption of occupier or manager from liability in certain cases.

71. (1) Where the occupier or manager of a factory is charged with an offence against this Regulation, he shall be entitled upon complaint duly made by him to have any other person whom he charges as the actual offender brought before the Court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the occupier or manager of the factory proves to the satisfaction of the Court—

(*a*) that he has used due diligence to enforce the execution of this Regulation, and

(*b*) that the said other person committed the offence in question without his knowledge, consent or connivance,

that other person shall be convicted of the offence and shall be liable to the like fine as if he were the occupier or manager, and the occupier or manager shall be discharged from any liability under this Regulation.

(2) When it is made to appear to the satisfaction of the Inspector at any time prior to the institution of the proceedings :–

(*a*) that the occupier or manager of the factory has used all due diligence to enforce the execution of this Regulation, and

(*b*) by what person the offence has been committed, and

(*c*) that it has been committed without the knowledge, consent or connivance of the occupier or manager, and in contravention of his orders,

the Inspector shall proceed against the person whom he believes to be the actual offender without first proceeding against the occupier or manager of the factory, and such person shall be liable to the like fine as if he were the occupier or manager.

Presumption as to employment.

72. If a child over the age of six years is found inside any part of a factory in which children are working, he shall, until the contrary is proved, be deemed to be working in the factory.

Evidence as to age.

73. (1) When an act or omission would, if a person were under or over a certain age, be an offence punishable under this Regulation and such person is in the opinion of the Court apparently under or over such age, the burden shall be on the accused to prove that such person is not under or over such age.

(2) A declaration in writing by a certifying surgeon relating to a worker that he has personally examined him and believes him to be under or over the age set-forth in such declaration shall, for the purposes of this Regulation, be admissible as evidence of the age of that worker.

Cognizance of offences.

74. (1) No prosecution under this Regulation, except a prosecution under section 66, shall be instituted except by or with the previous sanction of the Inspector.

(2) No Court inferior to that of a Magistrate of the first class shall try any offence against this Regulation or any rule or order made thereunder, other than an offence under section 66 or section 67.

Limitation of prosecutions.

75. No Court shall take cognizance of any offence under this Regulation or any rule or order thereunder, other than an offence under section 62 or section 64, unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed;

Provided that when the offence consists of disobeying a written order made by an Inspector, complaint thereof may be made within twelve months of the date on which the offence is alleged to have been committed.

CHAPTER VII.

SUPPLEMENTAL.

Display of factory notices.

76. (1) In addition to the notices required to be displayed in any factory by this Regulation or the rules made thereunder, there shall be displayed in every factory a notice containing such abstracts of this Regulation and of the rules made thereunder, in English and in the vernacular of the majority of the workers, as the Government may prescribe.

(2) All notices required to be displayed in a factory shall be displayed at some conspicuous place at or near the main entrance to the factory, and shall be maintained in a clean and legible condition.

Power of Government to make rules.

77. The Government may make rules requiring occupiers or managers of factories to submit such returns, occasional or periodical, as may, in its opinion, be required for the purposes of this Regulation.

Publication of rules.

78. (1) All rules made under this Regulation shall be subject to the condition of previous publication, and the date to be specified under clause (3) of section 23 of the General Clauses Regulation 1899 shall not be less than three months from the date on which the draft of the proposed rules was published.

(2) All such rules shall be published in the official Gazette and shall, unless some later date is appointed, come into force on the date of such publication.

Application to Government factories.

79. This Regulation shall apply to factories belonging to the Government.

Protection to persons acting under this Regulation.

80. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Regulation.

Repeal and savings.

81. The enactments mentioned in the Schedule are hereby repealed to the extent specified in the fourth column thereof.

Provided that anything done under the said enactments which could have been done under this Regulation if it had then been in force shall be deemed to have been done under this Regulation.

The Schedule

ENACTMENTS REPEALED.

(See section 81.)

Year	No.	Short Title	Extent of repeal
1914	III	The Mysore Factories Regulation	The whole
1925	VI	The Mysore Factories (Amendment) Regulation	

MIRZA M. ISMAIL,
Dewa

Printed by the Superintendent at the Government Press, Bangalore.